

# **JOURNAL**

OF THE

## *House of Representatives,*

OF THE

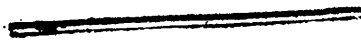
### **STATE OF ALABAMA,**

BEGUN AND HELD AT THE TOWN OF TUSKALOOSA, ON THE THIRD  
MONDAY IN NOVEMBER, 1826,

BEING THE EIGHTH ANNUAL SESSION

OF THE

**General Assembly of said State.**



**TUSKALOOSA:**

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1827.

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# JOURNAL

## OF THE

### HOUSE OF REPRESENTATIVES.

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*Monday, November 20, 1826.*

On Monday the twentieth day of November, in the year of our Lord one thousand eight hundred and twenty-six, the following members of the House of Representatives appeared, were duly qualified, and took their seats, to wit:

- From the county of Mobile*—Jack F. Ross and Elijah Montgomery.  
*Conecuh*—Samuel W. Oliver & Eldridge S. Greening.  
*Monroe*—Samuel Dale and Pink A. Edwards.  
*Clarke*—Elias H. Dubose.  
*Henry, Pike, Covington and Dale*—Bartlett Smith and Charles A. Dennis.  
*Wilcox*—John W. Bridges.  
*Dallas*—Walter Crenshaw, Joseph Pickens and Bernard Johnson.  
*Perry*—George Weissenger and Richard B. Walball.  
*Marengo*—William Fluker.  
*Greene*—Julius H. Sims, James C. Neill, and Matthew F. Raney.  
*Tuskaloosa*—Marmaduke Williams, Harden Perkins, Harvey W. Ellis and Benjamin Whitfield.  
*Bibb*—Jonathan Jones.  
*Montgomery*—Nimrod E. Benson, John S. Bailey and Dixon H. Lewis.  
*Shelby*—Joab Lawler.  
*St. Clair*—Philip Coleman and John Massey.  
*Jefferson*—John Brown, John M. Dupuy & John Martin.  
*Blount*—Marston Mead.  
*Marion*—William H. Duke.  
*Franklin*—William W. Parham and James Davis.  
*Lauderdale*—Hugh M'Vay, Sam'l Craig & Henry Smith.  
*Limestone*—William Edmondson, Joseph Powell, Joseph Bell and James W. Exum.  
*Lawrence*—Joseph Coe, Zadock M'Vay and Thomas Coopwood.  
*Morgan*—Stephen Heard and Henry W. Rhodes.  
*Autauga*—Robert Broadnax and Eli Terry.  
*Washington*—Ptolemy Harris.  
*Butler*—Andrew T. Perry.  
*Jackson*—Samuel B. Moore, William Barclay, William Davis and Philip H. Ambrister.  
*Madison*—David Moore, James W. M'Clung, William Acklen, Jun. and David Bradford.

The House then proceeded to the election of a Speaker: SAMUEL W. OLIVER, one of the members from the county of Conecuh, was duly elected, conducted to the chair, and made his acknowledgments to the House for the honor conferred, was qualified, and entered on the discharge of his duties.

The House then proceeded to the election of principal clerk: whereupon Thomas B. Tunstall was duly elected, was qualified, and entered on the discharge of his duties.

The House then proceeded to the election of a door-keeper: whereupon James Brown was duly elected, and entered on the discharge of the duties of his office.

The House then proceeded to the election of an assistant clerk: whereupon Jefferson C. Vandyke was duly elected, qualified, and entered on the discharge of the duties of his office.

The House then proceeded to the election of an engrossing clerk: whereupon Wm. B. McClellan was duly elected, was qualified, and entered on the discharge of the duties of his office.

On motion of Mr. M'Vay of Laud. Resolved, that a committee be appointed to wait on the Senate, and inform them that the representative branch of the legislature is organized; that they have elected the Hon. Samuel W. Oliver speaker, Thomas B. Tunstall principal clerk, James Brown door-keeper, Jefferson C. Vandyke assistant clerk, and Wm. B. McClellan engrossing clerk; and are now ready to proceed to business. Whereupon Messrs. M'Vay of Laud. Benson and Terry were appointed said committee.

On motion of Mr. Crenshaw, Resolved, that the rules and regulation of the House of Representatives of the last session of the legislature be adopted as the rules and regulations of this present session, until otherwise altered or amended.

On motion of Mr. Perkins, Resolved, that a committee be appointed to report rules for the government of this House: whereupon Messrs. Perkins, M'Vay of Laud. and Moore of Mad. were appointed said committee. The House then adjourned till to-morrow morning 10 o'clock.

*Tuesday, November 21st, 1826.*

The House met pursuant to adjournment.

Mr. Moore of Mad. presented the petition of Benjamin S. Pope, praying the passage of a law legalizing the sale, and also granting him the further power of selling such parts or proportions of lots in the town of Tusculum; which was read, and referred to a select committee, consisting of Messrs. Moore of Mad. McClung and Exum.

On motion of Mr. Williams, Resolved, that a committee of two persons be appointed, on the part of this House, to act with such committee as may be appointed on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly are now organized, and ready to receive any communication he may please to make. They have appointed, on their part, Messrs. Williams and Weissenger.

On motion of Mr. M'Vay of Laud. Resolved, That the following Standing Committees be appointed, to wit: A committee on Privileges and Elections; on Propositions and Grievances; on Enrolled Bills; on Inland Navigation; on Roads, Bridges and Ferries; on Ways and Means; on the Military; on the Judiciary; on County Boundedaries;

on Schools, Colleges and Universities, and School and University lands; on Accounts; and, on Divorce and Alimony.

A message from the Senate, by Mr. Casey: Mr. Speaker, the Senate have convened; elected the Hon. Nicholas Davis, of Limestone, their President, Francis S. Lyon secretary, George W. Crabb assistant secretary, and James A. Bates door-keeper, and are ready to proceed to business. They have adopted the following resolution, in which they ask your concurrence: *Resolved*, that a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on the Governor, and inform him that the two Houses of the General Assembly are organized, and ready to receive any communication he may think proper to make. They have appointed a committee, on their part, to consist of Messrs. Casey and Bagby. They have also adopted the following resolution, in which they desire your concurrence: *Resolved*, that a committee be appointed on the part of the Senate, to act with a committee on the part of the House of Representatives, to contract for stationery and fuel, for the use of the General Assembly, during the present session. They have appointed a committee on their part, for that purpose, to consist of Messrs. Casey, Powell and Sullivan.

In which resolution the House concurred. *Ordered*, that Messrs. Perkins and Ellis be appointed a committee on the part of this House.

On motion of Mr. Perkins, *Resolved*, That A. M. Robinson be permitted within the bar of this Hall, to take notes of our proceedings for the use of his public journal.

On motion of Mr. Benson, *Resolved*, That the door-keeper be required to procure a suitable table, or tables, for the use of the Clerks of this House.

Mr. Davis of Fr. obtained leave to introduce a resolution proposing amendments to the Constitution of the State of Alabama; which was read a first time, and ordered to lie on the table.

Mr. Williams, from the committee appointed on the part of this House to act with such committee as may be appointed on the part of the Senate, to wait on his Excellency the Governor, to inform him that both Houses of the General Assembly are organized, and ready to receive any communication he may please to make, have performed that duty; and received for answer, that he will on this day make a communication to the House in writing.

On motion of Mr. Williams, *Resolved*, That this House, with the concurrence of the Senate, will on Thursday, the 23d inst. at the hour of three o'clock P. M. proceed to elect a Senator to the Congress of the United States, to fill the vacancy of the Hon. Henry Chambers, deceased, at which time the Senate are invited to attend in the Representative Hall.

Mr. M'Vay of Land. presented the petition of sundry inhabitants living in the first township, in range eleven, west of the basis meridian, of Huntsville, praying the passage of a law authorizing the sale or lease of the sixteenth section in said township; which was read and referred to the committee on schools, colleges and universities, and school and university lands.

Mr. Rhodes presented the petition of sundry citizens of the town of Decatur, praying the passage of an act of incorporation; which was

read, and referred to a select committee, consisting of Messrs. Rhodes, Heard and Edmondson.

Mr. M'Vay of Land, presented a memorial to the Congress of the United States, praying indulgence to be given to purchasers of public lands, and a preference to actual settlers, who own no land; which was read and referred to a select committee, consisting of Messrs. M'Vay of Land, Moore of Ja. Davis of Fr. Mead and Powell.

Mr. Bridges offered the following resolution: *Resolved*, with the concurrence of the Senate, that this General Assembly will, on this day at two o'clock P. M. proceed to elect a State Printer; which was laid on the table. The House adjourned until 12 o'clock.

*Twelve o'clock.*—The House met pursuant to adjournment.

Mr. M'Vay of Land, obtained leave to introduce resolutions proposing to amend the Constitution so as to have biennial instead of annual sessions of the General Assembly; which was read a first time, and ordered to be read a second time.

Mr. Mead presented the petition of sundry inhabitants of township number eleven, range numbered two, west of the basis meridian of Huntsville, praying the passage of a law authorizing the lease of the sixteenth section in said township; which was read, and referred to the committee on schools, colleges and universities, and school and university lands.

Mr. Moore of Ja. presented the account of William H. E. Wheeler of Jackson county; which was read, and referred to the committee on accounts.

Mr. Mead presented the petition of Reuben Hays, praying the passage of a law to authorize him, as the executor of Ann Hays, deceased, to sell certain real estate therein named, or certificate therein mentioned; which was read, and referred to the judiciary committee.

Mr. Terry presented the petition of the heirs and representatives of Benjamin Pearce, deceased, praying the passage of a law authorizing them to sell certain real estate therein named; which was read, and referred to the judiciary committee.

Mr. Coe presented the account of William Jones of Lawrence county; which was read, and referred to the committee on accounts.

Mr. Rhodes presented the account of William Skidmore, jailor of Morgan county; which was read, and referred to the committee on accounts.

Mr. Ross presented the account of James P. Bates, sheriff of Mobile county; which was read, and referred to the committee on accounts.

A message was received from his Excellency the Governor, by James I. Thornton, Secretary of State; which he handed in at the Speaker's chair, and then withdrew. The said communication was in writing, and is as follows:—

*To the Hon. the Senate and the House of Representatives:—*

FELLOW CITIZENS.—The revolution of another year has again assembled the public authorities of the State, to whom is confided the legislative superintendence of our common affairs.

We owe to the munificent kindness of Divine Providence, that the circumstances under which we meet, both public and private, admit the exchange of our sincere and happy congratulations.

The blessings of Heaven first claim our grateful and most devout acknowledgments.

During the past season, although we have not been exempt from disease, in particular places, we have no where suffered its most violent and fatal influences. Neither famine, pestilence, or the sword, are permitted to ravage our land. We enjoy the bounty of the seasons, the rich fruits of the earth, domestic comfort, and public harmony. The drought which prevailed in many places in this state, in common with our sister states adjacent, has indeed lessened our agricultural prospects, but has not deprived us of the essential resource of bread. If we have not abundance, we are blessed with plenty, and should the benignant Dispenser of all good gifts see proper only to give us food and raiment, we ought to learn with pious submission to be therewith content. There is also cause of gratitude and felicitation, in the progressive influence, among us, of good principles, both civil and moral.

There is good evidence that the administration of the laws, by an enlightened and faithful judiciary, will realize, in general, the beneficial objects for which they were designed. It is not perceived that our system contains many prominent or glaring defects; and the amelioration of which the laws may still be susceptible, both in their precision and their force, will be the object of your constant solicitude. In the discharge of this duty, it will not escape notice, that it is expedient to test the operation of particular institutes, by experience of sufficient duration. In the multifarious concerns of society, and the legal provisions proposed to regulate and direct them, the most careful reasonings frequently need the confirmation of fair and decisive experiment. Hence the confusion and evil of too frequent legislation on the same subject, in which little more can be done than to substitute one theory for another; and, by continual change, to render uncertain the results of experience, or to make dubious the comparative usefulness of variant laws. It is of the utmost consequence, that the laws for the preservation of peace and good order should be faithfully executed. The prosecuting officers engaged in this service, should possess ability, and zeal, and high character, to adorn a station connected with so much usefulness and responsibility.

I beg leave to submit to your wisdom, whether the present compensation affords a full reward for the duties they are required to perform, or whether it be compensurate with the dignity and public importance of their office. The period may now also have arrived, when the justice of the country might be better administered, by the establishment of a separate Court of Chancery.

The subject of Education commends itself to our most devoted attention, enjoined as it is by the commanding precepts of the Constitution, involved in the preservation of our happy form of government, and indispensable in every system for the promotion of social or moral happiness. No people can rise to the highest standard of moral and civil refinement, without the enlarging and correcting effects of suitable education. Every consideration urges the propriety of enlightening the minds, and improving the morals, of the whole body of the people. In the judicious prosecution of this work, no pains can be misapplied, no treasure mis-spent, and no solicitude pass unrewarded. It is as necessary to our moral and civil condition, as the vital circulation to the animal system. The liberal policy of the General Government has provided for us a munificent resource, for the establishment of an Institution to perfect the education commenced at the primary seminaries. The most judicious application should be made of the fund thus committed to us for the establishment of a State University, providing, by a safe and just economy, for the greatest effect which such an amount can be made to produce. So far the fund has not passed without improvement; a part of it has been converted into available capital, and still more is in progress to be received. It will be for your wisdom to determine whether the moment may not have arrived, when efficient operations ought to be commenced; the institution to be located, and preparations made for the erection of the edifices. — Great profit and convenience may result from a well matured plan of operation.



We ought to contemplate a grand consummation, which would require several years for its safe and convenient accomplishment. But this subject is too extensive for the present communication. The sooner we commence, the sooner, I trust, will our labors eventuate in the establishment of a full and perfect University. It will be for your wisdom also to devise means of encouragement for primary seminaries. There must be nurseries to supply the literary vineyard; and, indeed, much of the instruction of the country will terminate, at all periods, in these nurseries of science. In this view, they become every way important. I feel assured that none of these subjects will escape your careful deliberation.

The means necessary for the defence of the state will always engage the attention of the representatives of a people who have confided their safety to the mass of the population armed and disciplined. It is obviously essential, under such a system, that arms should be provided, and the attainment of discipline secured. Such is the present situation and habits of our people, that we are in less danger of not having arms, in any emergency, than of failing to have the discipline which alone can give efficiency to arms. It may be well worthy of your reflection, whether the care of the state ought not to extend farther than merely to require an imperfect organization. Whether the means of virtuous excitement should not be employed, facilities afforded, and the countenance and patronage of the state made to be distinctly perceived in this important branch of our policy. The distribution of colors, or standards, to each militia company or regiment, would no doubt have a beneficial tendency. This measure, indeed, would coincide with the most natural expectation. If the state requires its citizens to assume the character, and discharge the duties, of soldiers, shall they not be furnished with standards under which to assemble? The distribution, among the officers, of the militia laws, which you have already directed, the rules and articles of war, and connected with the whole, a plain and simple directory to perform the most necessary elementary evolutions, would be attended with great advantage. Perhaps the small progress which the militia make in military knowledge every where, is principally owing to the circumstance, that the officers commanding them are not expert in their duty, and are therefore averse, before their friends and neighbors, to make blunders in teaching to others what they do not themselves perfectly understand. Hence very little is attempted to be taught, and still less acquired. It will be worthy of your consideration, whether it be not expedient to provide for instructing the officers, whose duty it is to impart instruction to others. A school of instruction, itinerant from one division or brigade to another, throughout the state, might be connected with the office of Adjutant General, and the active service and dignity thus attached to the office, might prove highly beneficial in other respects. If it be necessary to discipline the militia at all, before the crisis demanding their services shall have arrived, some radical improvement of the present system will probably be found expedient. There is danger that a long season of peace and freedom from alarm may produce supineness and security, which ourselves or our posterity may have cause to lament. There are circumstances peculiar in our situation, and those of the states around us, which may require more than ordinary caution. The approaches of danger, however future, should inspire early and corresponding preparation. The opinion seems to be too readily received, that the militia are incapable of efficient discipline, unless in actual service. It is to be hoped that this opinion is not correct, otherwise our system must end in standing armies, ever dangerous to liberty. When we see so many of our citizens, animated by a laudable spirit of perseverance, under many discouragements, engage in the useful pursuit of preparing their country for defence, what may not be expected under the facilities afforded by public instruction, and the approving eye of public patronage? We ought not only to preserve, but to incite, among our citizens the moral sentiment, that they all are, and ought to be, soldiers in their country's defence. Your resolution of the last session, which authorized a De-

gest of the Militia and Patrol Laws, I regret to state, has not been carried into complete effect.

General Farrar was employed to make the compilation, and discharged the duty with alacrity and promptitude; but difficulties were found in having the printing executed, which occasioned delays to so late a period of the year that it was deemed more expedient to defer the work until after your present session. A fair copy of the Digest, with the report of the Digester, will be submitted to your inspection: and such amendments as you may please to make can be readily incorporated.

The improvement of the navigation of the State involves interests of great magnitude, and should be attended to, according to the importance of the several objects, and our ability for their accomplishment. You are constituted the guardians of the resources of the State, and can best judge what direction shall be given them for the common advantage. It would appear that two grand projects of improvement present themselves to our notice; the opening of the Muscle Shoals, so as to admit the more convenient transportation of a large portion of our produce to New Orleans, and the cutting a canal, so as to convey, as our interest may direct, the same produce to the waters of Mobile Bay. To judge perfectly of these projects, an accurate and scientific examination should be made, so that the benefits to be secured, and the difficulties to be encountered, might be compared and justly estimated.

It is understood the Tennessee admits of good steam navigation, from the upper end of the Shoals to the mouth of the Hiwassee, with only two or three obstructions, easily overcome. The Hiwassee may be connected with the waters of the Coosa, by a short canal, or perhaps a canal might be opened from the Hiwassee to Fort Jackson, at the head of steam navigation on the Alabama. This canal, if practicable at an expense which the probable benefits would justify, would have the merit of drawing nearly all our produce to our own emporium, or at least to give a choice of the market. The produce of a considerable portion of the neighboring states might also flow in the same channel, and give the opportunity of very favorable exchanges to a large portion of our citizens. An access will also be given to a market less liable to be overstocked than the great emporium of the Valley of the Mississippi.

The political effect which would be produced, by the frequent and intimate association of our citizens at one common mart, thus rendering sensible the identity of interest, will not escape the notice of your honorable body. We may prove as fortunate as any of the states, in having almost all our produce sold in our own markets. This subject, in all its various and important bearings, I feel assured will receive your attentive consideration; and I beg leave to recommend that an appropriation be made, to defray the expenses of a suitable examination of these, or such other improvements, as you, in your wisdom, may direct. The main energies of the state should be employed in opening new sources of communication, or in removing great and difficult obstructions in the natural channels. The minor streams, and indeed the larger rivers, where nothing more than ordinary obstructions intervene, might be operated upon as roads and highways are. At low stages of the water, much might be done, and in a way perhaps less severely felt, than by making appropriations which ultimately devolve on ourselves to pay. It is only the exchange of labor for money. Inventions, to operate with the greatest effect, should be provided by the care, and from the resources, of the state. The more difficult obstructions, in the minor streams, might also be removed by the employment of skill, which the state only could command with suitable facility. The superintendents of these minor works might be appointed by the General Assembly, or by the people themselves at the annual elections. I would also recommend the policy of sparing the three per cent fund, appropriated to the improvement of roads and navigation, until it may accumulate to the production of an annual interest of ten thousand dollars. This

annual sum, devoted to these special objects, and not liable to the difficulties which usually embarrass ordinary appropriations, however obvious in their beneficial tendency, would eventuate in results which even sanguine expectation might fail to calculate.

Connected with navigation, is the great agricultural interest, which navigation is primarily designed to subserve. It may admit of doubt, whether in any of the States, this subject has received that regular and systematic attention, by the public authorities, which its great importance demands. This is the source, the principal fountain of all our prosperity. Individual intelligence and enterprise, where so many are engaged in the same pursuit; the ardor inspired by interest; the sagacity acquired by continual experience, are surely good sources of reliance, but they may not be exclusively sufficient, for the perfection of this essential and primary branch of industry. Something even here may be done by the forecast and care, and fostering patronage of the public authorities; and certainly none of their functions can have a higher or more beneficial aim. Such are the changes wrought by human industry, and such the constant tendency to occupy too much some branch of agricultural labor, for the present more profitable than others, that no sure reliance can be placed, for a great length of time, on any single staple commodity. New sources of contingent and profitable labor ought to be constantly devised, and held in reserve, that the community may be protected against the consequences of any fluctuation in the principal productions. Those climates admitting of a great variety of productions, have advantages over others, which ought not to pass unimproved. The soil and climate of this state, in this respect, furnish very great resources. It is only necessary to be fully acquainted with them, and prepared to bring them into operation, in order to be but little affected by the changes, which may be produced by the industry of other countries in our particular pursuits. It might be useful to have this subject regularly given in charge to a standing committee, to recommend the formation of Agricultural Societies, in the several counties or larger subdivisions of the State; to invite those Societies to communicate with the standing committees for public information, and to obtain at the public expense, such seeds and plants as may be less open to the enterprise and research of individual agriculturists. The impulse thus publicly given, will not be lost on a population, active, enterprising, and studious of their interests. The multiplication of our productions cannot prove otherwise than a source of necessary and beneficial caution.

In bringing to your view the state of public affairs, it becomes my duty to mention, that a Corporation, styled the St Stephens' Steam Boat Company, have assumed the exercise of Banking privileges in the city of Mobile. Early in the present year, I was about to direct the Solicitor of the First Judicial Circuit to file an information in the nature of a quo-warranto against the Corporation, that the question of their privileges might be judicially determined. Having understood, however, from the President and Directors, gentlemen of high standing and intelligence, that operations would be suspended until your present session, I was unwilling to involve them or the state in any unnecessary expense. It was intimated, at the same time, that it was their intention to apply for certain amendments of their charter. Should this application be made, the subject will thus be brought fully before you, and I shall be glad to receive any instruction which the General Assembly may think necessary to give.

The Bank of the United States proposes to establish an Office or Branch in this State, to be located in the city of Mobile. When it was understood that such a purpose was cherished by the Bank of the United States, our delegation in Congress, with that vigilance and devotion which have marked their public service, submitted a remonstrance against the measure. At a later period, a correspondence on the same subject was opened by the Executive Department, copies of which are herewith laid before you. The framers of our constitution,



admonished by the events which had passed before them, deemed it necessary to provide for the circulation of a sound currency, by giving the management of it to those who were principally interested in its soundness. They authorized the establishment of a "General State Bank," which must be, and has always been, considered exclusive in its nature, and prescribed rules essential to its organization. The establishment of a State Bank was thus made a part of our municipal policy, under the injunctions of the constitution; and it becomes the duty of the public authorities to provide for the security of its operations. It will be for your wisdom to devise, how the State Institution, placed by the constitution under your protection, will be able to engage in a successful struggle with the Bank of the United States, should interest, or hostility, arising from views of interest, induce the attempt to embarrass its proceedings. Our situation is deemed every way unfavorable for such a contest. A transient and factitious state of things, arising out of our land purchasing relations with the United States, and altogether distinct from the usual and regular transactions of commerce, will make it difficult for the Bank to sustain its operations, should it extend accommodation to the people when they most need it, to purchase a domiciliary refuge for their families. It will remain with your honorable body to provide a remedy in every contingency. It could not be otherwise than humiliating, that a policy enjoined by the constitution, cherished and consummated by the public authorities, entering into the vital stamina of our municipal organization, should be reduced to the condition of a precarious and permissive existence. In the State Bank we have contemplated a resource against depreciated and deficient currency, as well as a depository for the improvement of all our public funds; and, in short, when this subject is viewed in all the lights which distinguish it, it cannot appear less, in effect, than an invasion of our sovereignty, an interference with arrangements made for the common benefit and security. for the Bank of the United States to establish an office here, should it be contrary to the wishes of the State. I beg leave to submit this subject to your early and better consideration.

In pursuance of your resolution of the last session, the Honorable Arthur P. Bagby and Major Charles Lewis were appointed commissioners on the part of this state, to co-operate with commissioners of the state of Georgia, to run the line dividing the two states. The joint commissioners could not agree in their construction of the "articles of agreement and cession," and no line has been run by the co-operation of both parties. The report of the commissioners, which will be submitted without delay, will place this subject fully before you. The indisposition of one of the commissioners, at the commencement of operations, rendered it necessary to make a provisional appointment, to fill the vacancy, should the indisposition still continue. Judge Kelly permitted me to avail myself of his contingent services, which eventually proved unnecessary. It was thought expedient to procure an accurate survey of the Chatahoochee, from the Great Bend to Miller's Bend, or the Flat Shoals, that the matter in controversy between the commissioners might be distinctly perceived. Major Lewis was employed to attend to this service, and his report and survey are herewith transmitted. As this subject has engaged the attention of both the states, and as the adjustment of the boundary is desirable, you will in your wisdom direct what course will now be given to it.

Major John D. Terrell and Col. Marmaduke Williams were appointed commissioners to settle the accounts between this State and the State of Mississippi. It was insisted, on the part of the state of Mississippi, that the amount of default which had taken place within the limits of the Territory of Alabama, during the continuance of the common government of the Mississippi Territory, should be deducted exclusively from the account of the state of Alabama. The commissioners on the part of this state regarded all such losses as common to both parties.

ties; and this remained as a cause of disagreement. The report of the commissioners, which will be transmitted, will give every view of this question.

It gives me great pleasure to announce the improvement of the Salt Springs, which it is hoped will prove a great convenience to the people, even during a season of peace, and prove an essential resource in time of war. The skill, intelligence and perseverance of Mr. Seth Hunt, are highly honorable to himself, and useful to the country. Many difficulties have been surmounted, requiring patience, steadiness of purpose, and happy expedients, which few men could command. I beg leave to submit a statement of the salt houses, store houses, well, cisterns, aqueduct, &c., which have been effected at very considerable expense. I beg leave also to recommend that those engaged in the works be exempted from militia duty. The stopping of the works for a single day proves a considerable loss to the lessees, and an injury to the works.

A communication has been received from the citizens of West Florida, which I beg leave to lay before you. They express a desire that West Florida should be annexed to the State of Alabama. The early attention of the framers of the constitution, to the contingencies which might lead to this connection, shews the light of policy in which it was then regarded. It would seem to be alike favorable to West Florida, this State, and the Union. It is desirable to this state, that so large a portion of the sea coast, covering more than half her frontier, should be well defended: and to the United States, that so much of the maritime frontier should be committed into the hands of those who will be able, and interested, in giving the most active co-operation of defence. Our frontier must continue exposed, while it is covered by a weak and detached portion of a neighbouring state, or territory. If the country of Florida is likely to continue a Territory, there is no reason why the annexation should not take place; and should it become a State, this portion, important to us only, must always be weak, and wanting in intimate connection with the rest.

The most judicious system, for the disposal of the public lands, has engaged the attention of the Congress of the United States. As frequently happens in new and untried cases, neither the United States, nor the purchasers of lands, nor emigrants with intention to purchase, distinctly understood the remote operations of former systems, injurious to the one, while it was not profitable to the other. The difficulty now would seem to result, not from the want of inclination to amend, but in devising the methods of amendment. Your investigations might end in suggestions, which would prove equally beneficial to the United States, and our own. We shall always be superior to the meanness of mendicant petitions, or the importunity of sordid and unreasonable self-interest; but it is our duty to advance the claims of sound policy and justice.

A due respect for the resolutions of our fellow citizens, which I have the honor herewith to transmit you, induces me to bring to your view the late Creek Treaty, by which the Treaty of the Indian Springs has been superceded. We had acquired ostensible interests, as a third party, which have not been regularly set aside. A mere substitution of one treaty for another, cannot compromise the rights of third parties, however valid as to the contracting powers. To obviate such claims, a regular examination of the validity of the first treaty was indispensable. Such an examination, ex-parte, even if such examination were alleged to have taken place, would not be sufficient. It would seem, in theory, that the question of the validity of a treaty, involving interests which had passed from the contracting parties to others, ought not to be determined, as to those interests, by the powers who had made it. But this is done in the case before us. It would be far from us to increase the embarrassments unavoidably incident to the vast and various concerns of the general government; but any thing has been done irregularly; if our rights as a State have been informally passed upon, we owe to ourselves, as well as the Union, to take a temperate notice of it. It is not the intention to speak to the merits of what has been done, for the necessary ex-

science has never come before us, but merely to the mode of doing it. It will be for your wisdom to determine, if any, and what, representation ought to be made, or silently to acquiesce in it.

The vacancy occasioned by the lamented death of the Hon. Henry Chambers, was filled by the appointment of the Hon. Israel Pickens, whose term of service will expire at the close of your present session. The following officers were appointed Judges of the Courts of their respective counties during the recess of the General Assembly:—P. T. Harris, of Washington county, vice Wm. D. Gaines, deceased. Asa Hammond, of Monroe, vice Wm. B. Patton, resigned. Thomas F. Moody, of Greene, vice William Murphy, resigned. William S. Compton, of Jackson county, vice Samuel B. Moore, resigned. Benjamin Williamson, of Wilcox county, vice Edwin L. Harris, removed. John Elliott was appointed Solicitor of the First Judicial Circuit, vice Thomas Murray, deceased.

The occurrence of the death of the Ex-Presidents of the United States, John Adams and Thomas Jefferson, names consecrated in the affections of the American people, and embalmed in the records of liberty and political science, claims the public tribute which is due. This event, marked by the most singular coincidences, has moved the sentiments of regret and reverence, in the hearts of ten millions of their fellow citizens. Our own citizens, in some places, have added public demonstrations, to the private feelings of the heart. The public authorities will determine, what becoming ceremonial will here attend the departure of the venerated and illustrious dead.

This communication, not free from the charge of prolixity, which would have been gladly avoided, and liable to the still more serious objection of manifold imperfections, will be received in the spirit which dictates it, an ardent desire for the promotion of our various and important interests. A most liberal, elevated, and harmonious spirit should animate us in all our public deliberations. We should seek to draw from the pure fountains of political justice and equity. To the minute care of particular and local arrangements, should be added the enlarged wisdom which contemplates the general prosperity. Where the interest of the whole is embraced, facilities must be afforded for the promotion of those special and detached benefits which must exist in any society which admits distance of place and peculiarity of situation. The place you occupy is full of honor, duty, and responsibility. It is no small thing, to guide the various concerns of a free, active, and extended community; to close the avenues of evil, and to open all the channels of political happiness. May the favor of Heaven attend you in this arduous labor.

I am, gentlemen, respectfully, your obedient servant,

Nov. 21, 1826.

JOHN MURPHY.

Wednesday, November 22d, 1826.

The House met pursuant to adjournment.

Pursuant to a resolution of the House, Mr. Speaker proceeded to appoint the following standing committees, to wit:

*A committee on privileges and elections*—consisting of Messrs. M'Vay of Laud, Mead, Coleman, Lawler, Johnson, Edwards and Edmondson.

*A committee on propositions and grievances*—consisting of Messrs. Perkins, Dennis, Duke, Coe, Exum, Bell, Bradford and Dupuy.

*A committee on enrolled bills*—consisting of Messrs. Moore of Jack, Bridges, Heard, Craig and Davis of Jack.

*A committee on inland navigation*—consisting of Messrs. Fluker, Rhodes, Raney, Powell, M'Vay of Law, Martin, Massey and Neill.

*A committee on roads, bridges and ferries*—consisting of Messrs. Edmondson, Dupuy, Dale, Coopwood, Barclay, Brown and Ambriester.

*A committee on ways and means*—consisting of Messrs. M'Clung.



Moore of Mad. Crenshaw, Pickens, Perkins, Ross, Weissenger, Williams and Walhall.

*A committee on the military*—consisting of Messrs. Davis, Montgomery, Greening, Broadnax, Parham, Perry, Dubose, Dale, Johnson and Sims.

*A committee on the judiciary*—consisting of Messrs. Greening, McClung, Benson, Crenshaw, Lewis, Ellis, Davis of Fr. Acklen, Harris and Williams.

*A committee on county boundaries*—consisting of Messrs. Mead, Bailey, Raney, Smith of Henry, Smith of La. Terry, Whitfield and Jones.

*A committee on schools, colleges and universities, and school and university lands*—consisting of Messrs. Moore of Mad. Benson, Davis of Ja. Dennis, Exum, Bridges, Edwards and Bradford.

*A committee on accounts*—consisting of Messrs. Ross, Terry, Weissenger, Rhodes, Craig, McVay of Laud. and Parham.

*A committee on divorce and alimony*—consisting of Messrs. Heard, Broadnax, Bailey, Barclay, Coopwood, Coleman, Duke and Dubose.

Mr. Dennis presented the petition of sundry militia officers in Pike county, praying the passage of a law organizing another regiment in said county; which was read, and referred to the military committee.

Mr. Harris presented the petition of Sarah Bowie, administratrix of John Bowie, deceased, praying the passage of a law to authorize her to sell and convey certain real estate therein named; which was read, and referred to a select committee, consisting of Messrs. Harris, Moore of Mad. and M. ad.

Mr. Mead presented the petition of Nancy Allison, Vineyard Crawford, A. B. Farrar and James D. Dennis, praying the passage of a law to sell and convey certain real estate therein named; which was read, and referred to the judiciary committee.

Mr. Lawler presented the petition of the heirs and representatives of Zachariah Butler, deceased, praying the passage of a law to authorize the administrators of said decedant to sell and convey certain real estate therein named; which was read, and referred to the judiciary committee.

Mr. Perry presented the petition of the Trustees of Greenville Academy, in the county of Butler, praying the passage of a law to incorporate said trustees in the name of the "Trustees of the Greenville Academy;" which was read, and referred to the committee on schools, colleges and universities, and school and university lands.

Mr. Terry presented the petition of the heirs and representatives of Benjamin Averett, deceased, praying the passage of a law to authorize them to convey certain real estate; which was read, and referred to the judiciary committee.

Mr. Exum presented the petition of Francis Hamblin, a free man of color, praying the passage of a law to authorize him to emancipate a certain slave therein named; which was read, and referred to a select committee, consisting of Messrs. Exum, Powell, Edmondson and Bell.

Mr. Coe presented the petition of sundry inhabitants of Walker county, praying the passage of a law to annex part of said county to Lawrence county; which was read, and referred to the committee on county boundaries.

Mr. Coe presented the petition of sundry inhabitants of Lawrence county, praying the passage of a law to grant Thomas H. Douglass the

exclusive privilege of retailing spirituous liquors without a license; which was read, and referred to the committee on propositions and grievances.

*Mr. Coe* presented the petition of the heirs and representatives of Samuel Priest, deceased, praying the passage of a law to authorize the administrators of said decedant to sell and convey certain real estate therein named; which was read, and referred to the judiciary committee.

*Mr. Perry* presented the account of John A. Cunningham, jailor of Butler county; which was read, and referred to the committee on accounts.

On motion of *Mr. Moore of Mad.* Resolved, that a committee be appointed to examine into the expediency of establishing an office of Discount and Deposit of the State Bank of Alabama, at some place in the Tennessee Valley: whereupon Messrs. Moore of Mad. Acklen, M'Clung and Benson were appointed said committee.

A message from the Senate by Mr. Lyon their secretary. Mr. Speaker, the Senate have adopted the following resolution, in which they ask your concurrence: *Resolved*, That this House, with the concurrence of the House of Representatives, will proceed to the election of a Public Printer at the hour of three o'clock this afternoon—And then he withdrew. *Ordered*, that said resolution lie on the table.

*Mr. Smith of La.* obtained leave to introduce a bill, to amend an act entitled "an act to provide for the printing of the laws and journals, and for other purposes," passed the 25th December, 1822, so far as relates to the manner of electing the state printer, and also to repeal the 2d section of an act, amendatory to the above recited act, approved December 17th, 1823; which was read a first time, and ordered to be read a second time.

*Mr. Duke* presented the account of Samuel Locker, jailor of Marion county; which was read, and referred to the committee on accounts.

*Mr. Coopwood* presented the account of Joel D. Harris, jailor of Lawrence county; which was read, and referred to the committee on accounts.

On motion of *Mr. M'Clung*, Resolved, that Andrew Wills, editor of the Democrat newspaper, be admitted to a seat within the bar of this House, for the purpose of taking notes of its proceedings.

On motion of *Mr. Moore of Ja.* Resolved, with the concurrence of the Senate, that the General Assembly, on Saturday next, at 3 o'clock P.M. do proceed to the election of a Secretary of State, Treasurer and Comptroller; and that the Senate be informed thereof.

*Mr. Ross* presented the petition of Theophilus L. Toulman, late tax collector of Mobile county, praying the passage of a law, to be relieved from fifteen per cent damages, on a judgment recovered by the state of Alabama against said Toulmin; which was read, and referred to the committee on propositions and grievances.

Resolutions proposing to amend the constitution so as to have biennial instead of annual sessions of the General Assembly, was read a second time, and referred to a select committee, consisting of Messrs. Mead, M'Vay of Laud. M'Clung and Davis of Fr.

On motion of *Mr. Benson*, Resolved, That the judiciary committee be requested to inquire into the constitutionality, as well as the expediency, of passing a law confining the jurisdiction of justices of the peace to each captain's beat.

Mr. M'Clung obtained leave to introduce a bill, to be entitled an act to amend an act, entitled an act to amend the act, entitled an act, concerning wills and testaments, the settlement of intestate estates, and the duty of executors, administrators and guardians; which was read a first time, and ordered to be read a second time.

Ordered, that the House be adjourned till to-morrow morning 10 o'clock.

*Thursday, 23d November, 1826.*

The House met pursuant to adjournment.

Mr. Massey presented the petition of William J. Whisenant, administrator of Henry Whisenant, deceased, praying the passage of a law to authorize him to sell certain real estate; which was read, and referred to the judiciary committee.

Mr. Massey presented the petition of sundry inhabitants of St. Clair county, praying the passage of a law to prohibit the removal of William Wharton's mill on Wills' creek; which was read, and referred to the committee on inland navigation.

Mr. Terry presented the petition of John H. Pearce, administrator of Edmund Pearce, deceased, praying the passage of a law to authorize him to pass titles to certain real estate therein named; which was read and referred to the judiciary committee.

Mr. Perry presented the petition of sundry inhabitants of Pike county, praying the passage of a law to annex part of Pike county to Butler county; which was read, and referred to the committee on county boundaries.

Mr. Bridges presented the petition of sundry inhabitants of Wilcox county, praying the passage of a law to establish a road from Black Bluff to Fort Dale; which was read, and referred to the committee on roads, bridges and ferries.

Mr. Dennis presented the petition of sundry inhabitants of Henry county, praying the passage of a law, legalizing the acts of Timothy Pittman, late sheriff of said county; which was read, and referred to the judiciary committee.

Mr. Perkins, from the select committee to which was referred a resolution of this House, instructing them to draft rules for the government of this House, made a report. The House then, on motion, resolved itself into a committee of the whole on said report, Mr. Mead in the chair; and after some time spent in the consideration of the rules reported by said committee—the committee of the whole rose, Mr. Speaker resumed the chair, and the chairman reported the same with sundry amendments—all of which were agreed to. The rules were further amended, and adopted by the House. *Ordered*, that one hundred copies be printed for the use of this House.

Mr. Exum, from the select committee to whom was referred the petition of Francis Hamlin, reported a bill, to be entitled an act authorizing Francis Hamlin, a free man of color, to emancipate his daughter Susan which was read a first time, and ordered to be read a second time.

Mr. Acklen presented three several accounts of Robert Caruthers, jailor of Madison county; which were severally read, and referred to the committee on accounts.

Mr. Moore of Mad. offered the following resolution: Resolved, That the judiciary committee be instructed to inquire into the expediency of

repealing so much of the statute laws of the state as requires the Circuit Judges to interchange Circuits; which was lost.

Mr. Broadnax obtained leave to introduce a bill, to be entitled an act to alter the mode of appointing assessors and tax collectors; which was read a first time, and ordered to be read a second time.

*Ordered*, That Messrs. Craig, Davis of Fr. Smith of Laud. Edmondson, Davis of Jack. Rhodes and Coe, be added to the committee to which was referred a resolution, instructing them to enquire into the expediency of establishing an office of discount and deposit of the state bank of Alabama, at some place in the Tennessee Valley.

Mr. Moore of Jack. obtained leave to introduce a bill to be entitled, an act to authorize solicitors to swear witnesses to send to the grand jury, which was read a first time, and ordered to be read a second time.

Mr. Bridges presented the account of E. Pharr, sheriff of Wilcox county, which was read and referred to the committee on accounts.

A bill to amend an act, entitled an act, to provide for the printing of the laws and journals, and for other purposes, passed 25th December, 1822, so far as relates to the manner of electing the state printer, and also to repeal the second section of an act, amendatory to the above recited act, approved December 17th, 1823, was read a second time.

Mr. Davis moved to amend the same by striking out of the second section the word "appoint," and insert in lieu thereof the word "elect," which was carried.

Mr. Mead moved to strike out the words "without the consent of the legislature," where they occur in the 3d section, which was carried; and the rule requiring bills to be read, on three several days, being dispensed with, *Ordered*, that said bill be engrossed, and read a third time this afternoon. *Ordered*, That Mr. Williams be added to the committee on Inland Navigation.

A bill to be entitled, an act to amend an act, entitled an act, to amend an act, concerning wills and testaments—the settlement of intestate estates, and the duty of executors, administrators and guardians, was read a second time, and referred to the judiciary committee.

And then the House adjourned till 3 o'clock.

*3 O'clock, Evening Session.*—The House met pursuant to adjournment.—Engrossed bill to be entitled an act, to amend an act, to provide for the printing of the laws and journals, and for other purposes, passed 25th Dec. 1822, so far as relates to the manner of electing the state printer, and also to repeal the second section of an act amendatory of the above recited act, approved December 17th, 1823, was read the third time and passed. *Ordered*, That the title of the bill be as aforesaid, and that it be sent to the Senate for concurrence—And then the House adjourned till to-morrow morning at 10 o'clock.

*Friday, November 24th, 1826,*

The House met pursuant to adjournment.

Mr. Jones presented the petition of Mary Latham, of Bibb county, praying the passage of a law to exempt her property, which she may hereafter acquire, from the payment of her husband's debts; which was read and referred to the committee on propositions and grievances.

Mr. Lawler presented the petition of sundry inhabitants of Shelby county, praying the passage of a law to survey that part of the Creek

nation attached to Shelby county; which was read and referred to a select committee, consisting of Messrs. Lawler, Coleman and Massey

Mr. Dale presented the petition of Romeo Andre, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to a select committee, consisting of Messrs. Dale, Edwards, and Harris.

Mr. Ross presented the petition of sundry inhabitants of the city and county of Mobile, praying the passage of a law restricting the powers of the Judge of Mobile county, which was read, and referred to a select committee, consisting of Messrs. Ross, Montgomery, Greening, Harris, and Dale.

Mr. Coopwood presented the petition of sundry inhabitants of Lawrence county, praying the passage of a law to extend the term of the county courts of Lawrence county; which was read and referred to the judiciary committee.

Mr. Montgomery presented the petition of Sabrina Archer, widow and relict of John Archer, deceased, late sheriff of Mobile county, praying the passage of a law to exempt the securities of the said John Archer from the payment of a judgment recovered by the state of Alabama; as also an allowance to said Archer, as tax collector of Mobile county which was read *Ordered*, That so much of said petition, and accompanying documents, as relates to the judgment, be referred to the committee on ways and means; and that so much of said petition as refers to the tax collector of Mobile county, be referred to the committee on accounts.

Mr. Coopwood presented the petition of sundry inhabitants of Lawrence county, praying the passage of a law extending the time when executions should be made returnable, which was read and referred to the judiciary committee.

Mr. Ross presented the petition of Basil Chastany, praying the passage of a law, to emancipate certain slaves therein named, which was read and referred to a select committee, consisting of Messrs. Ross, Montgomery and Dubose.

Mr. Coopwood presented the account of Wm. D. Hart, of Lawrence county, for services as constable; which was read and referred to the committee on accounts.

Mr. Exum presented the petition of sundry inhabitants of Limestone county, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to a select committee, consisting of Messrs. Exum, Powell, and Parham.

Mr. Duke presented the petition of sundry inhabitants of Marion county, praying the passage of a law, to authorize the commanding officer of said county, to form a militia company; which was read and referred to the military committee.

Mr. Moore, of Mad. from the committee on schools, colleges, and school and university lands, to which was referred the petition of the trustees of the Greenville Academy, in Butler county, reported a bill, be entitled an act to incorporate the Trustees of Greenville Academy Butler county; which was read a first time, and ordered to be read second time.

Mr. Greening, from the judiciary committee, to which was referred the petition of the administrator of Edmond Pearce, praying the p



sage of a law authorizing him to make titles to certain real estate sold by the said Edmond Pearce in his life time, reported that the prayer of the petitioner ought not to be granted. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred the petition of Nancy Allison and others, praying the passage of a law authorizing the sale of certain real estate belonging to the estate of Cunningham Allison, deceased, reported, that the prayer of the petitioners ought not to be granted. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred the petition of Stephen Pearce and others, praying the passage of a law authorizing the administrators of the estate of Benjamin Pearce, deceased, to sell certain real estate, reported, that the prayer of the petitioners ought not to be granted. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred a resolution instructing them to inquire into the constitutionality of limiting the jurisdiction of Justices of the Peace to each captain's beat, reported, that the jurisdiction of Justices of the Peace cannot be confined to each captain's beat, consistently with the provisions of the constitution. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred the petition of Reuben Hays, executor of Ann Hays, praying the passage of a law to enable him to sell certain real estate, reported, that the prayer of the petitioner ought not to be granted. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred the petition of W. J. Whisenant, administrator of the estate of Henry Whisenant, praying the passage of a law authorizing him to sell certain real estate, reported, that it is expedient to grant the prayer of the petitioner. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred the petition of the administrators and heirs of Samuel Priest, deceased, praying the passage of a law authorizing the administrators of the estate of the said Samuel Priest to sell certain real estate, reported, that the prayer of the petitioners ought not to be granted. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred the petition of the heirs of Zachariah Butler, deceased, praying the passage of a law to enable the administrators of the estate of the said Zachariah Butler to sell certain real estate, reported, that the prayer of the petitioners ought not to be granted. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred the petition of the executrix and the heirs at law of the estate of Benjamin Averett, praying the passage of a law to enable the said executrix to make titles to certain real estate sold by said Benjamin Averett in his life time, reported, that the prayer of the petitioners ought not to be granted. In which report the House concurred.

A message from the Senate by Mr. Lyon their secretary. Mr. Speaker, the Senate concur in the resolution of your honorable body, proposing to go into the election of a Secretary of State, Comptroller, and Treasurer, on Saturday next, at 3 o'clock P. M. and have amended the

same by adding thereto the words "and also a State Printer," so as to elect a printer at the same time. In which amendment they desire your concurrence—And then he withdrew.

*Ordered*; That said message lie on the table.

Mr. Rhodes, from the select committee to which was referred the petition of the citizens of the town of Decatur, reported a bill, to be entitled an act to incorporate the town of Decatur, in Morgan county—which was read a first time, and ordered to be read a second time.

Mr. Harris, from the select committee to which was referred the petition of Sarah Bowie, administratrix of John Bowie, deceased, reported a bill to be entitled an act authorizing Sarah Bowie, administratrix of John Bowie, deceased, to sell and transfer certain real estate; which was read a first time, and ordered to be read a second time.

A message was received from his Excellency the Governor by James I. Thornton, Secretary of State, which is as follows:

EXECUTIVE DEPARTMENT, Nov. 23d, 1826.

*The Hon. the Speaker and members of the House of Representatives:*

Gentlemen—I hasten to inform you of the resignation of Bolling Hall, Esquire, one of the Commissioners to class the University land in the second judicial circuit. As some of the commissioners lived at a distance remote from the land, they failed in three several attempts to assemble. This public service is suspended until an appointment can be made by your honorable body, to supply the vacancy.

I have also the honour to inform you of the resignation of David Murphree, Judge of the County Court of Walker county, and of Joab Lawler, Judge of the County Court of Shelby county.

I have the honour to be, most respectfully,

Your ob't. serv't.

(Signed)

JOHN MURPHY.

And then he withdrew. *Ordered*, that said message lie on the table.

*Ordered*, that Mr. Parham be added to the committee on schools, colleges and universities, and school and university lands.

*Ordered*, that Mr. Moore of Mad. be added to the committee on accounts.

*Ordered*, that Messrs. Perry, Sims and Dubose be added to the committee on county boundaries.

On motion of Mr. Coopwood, Resolved, That the committee on ways and means be instructed to inquire into the expediency of reducing the taxes of this state.

Mr. Craig obtained leave to introduce a bill, to be entitled an act more effectually to secure the compensation allowed by law to jurors therein mentioned; which was read a first time, and ordered to be read a second time.

Mr. Pickins presented the account of the Quarter-master General of the strength and condition of the militia of this state; which was read, and referred to the military committee.

A bill to be entitled an act to alter the mode of appointing assessors and tax collectors, was read a second time, and referred to a select committee, consisting of Messrs. Greening, Broadnax and Weistenger.

A bill to be entitled an act to authorize solicitors to swear witnesses to send to the grand jury, was read a second time, and referred to the judiciary committee.

A bill to be entitled an act authorizing Francis Hamlin, a free man of

color, to emancipate his daughter Susan, was read a second time, and laid on the table.

The House then, on motion, resolved itself into a committee of the whole on his Excellency the Governor's message, Mr. Williams in the chair, and after some time spent therein, the committee rose. Mr. Speaker resumed the chair, and Mr. chairman reported that the committee had, according to order, had the message of his Excellency the Governor, together with the accompanying documents, under consideration; and leave was asked until to-morrow to make report thereon, which was granted.

On motion of Mr. Smith of Loud. *Resolved*, That a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, who shall be instructed to inquire into the condition of the public arms belonging to the state, and report the same to this House: whereupon messrs. Smith of Loud. Davis & Fr. and Broadnax were appointed said committee.

Mr. Coopwood offered the following resolution: *Resolved*, That the committee on ways and means be instructed to inquire into the propriety of exempting all free white inhabitants in this state from paying poll tax; which was lost.

Mr. Dennis obtained leave to introduce a bill to be entitled an act to declare certain parts of Choctawhatchee and Pea rivers public highways; which was read a first time, and ordered to be read a second time.

A message from the Senate was then taken up. Mr. Perkins moved that the further consideration thereof be postponed till Monday next; which was carried.

On motion of Mr. Ross, *Resolved*, that with the consent of the Senate, the two Houses will go into the election of a State Printer to-morrow, at 3 o'clock P. M.—and that the east end of the Hall be set apart for their reception.

And then the House adjourned till to-morrow morning 10 o'clock.

Saturday, 25th November, 1836.

The House met pursuant to adjournment.

Mr. Greening presented the petition of Thomas Loyd, praying the passage of a law to emancipate certain slaves therein named; which was read, and referred to a select committee, consisting of messrs. Greening, Perry and Edwards.

Mr. Parham presented the petition of Benjamin F. Perry, praying the passage of a law to emancipate a certain slave therein named; which was read, and referred to a select committee, consisting of messrs. Parham, Smith of Loud. and Craig.

Mr. Coopwood presented the petition of sundry militia officers of Lawrence county, praying the passage of a law to incorporate a Troop of Cavalry; which was read, and referred to the military committee.

Mr. Heard presented the petition of sundry inhabitants of Morgan county, praying the passage of a law, extending the time when executions should be made returnable; which was read, and referred to the judiciary committee.

Mr. Montgomery presented the petition of Batista Serra and Geanty Meagat, together with a petition from sundry citizens of the city of Mobile, praying the passage of a law to license the said Batista Serra and



Geanty Meagat to keep billiard tables for play without wager; which was read, and referred to the committee on ways and means.

*Mr. Acklen* presented the petition of William Blake, praying the passage of a law to emancipate a certain slave therein named; which was read, and referred to a select committee, consisting of Messrs. Acklen, Moore of Mad. and M'Clung.

*Mr. Greening* presented the account of John Gillies, jailor of Conecuh county, which was read, and referred to the committee on accounts.

*Mr. M'Vay of Laud.* presented the petition of sundry members of the bar in the fourth judicial circuit, praying the passage of a law to alter the times of holding the county courts in said circuit; which was read and referred to the judiciary committee.

On motion of *Mr. M'Vay of Laud.* Resolved, That the judiciary committee be instructed to inquire into the expediency of passing a law making it the duty of Justices of the Peace, with a jury, to try cases of assault and battery, also cases of petit larceny, with leave to report by bill or otherwise.

*Mr. Coleman* offered the following resolution: Resolved, That the committee on ways and means be instructed to inquire into the expediency of reducing the compensation of members of the General Assembly and their officers, with leave to report by bill or otherwise; which was lost—yeas 29—nays 31.

The yeas and nays being desired—those who voted in the affirmative are—

Mr. Speaker	Cue	Edmondson	M'Vay of Laud	Raney
Brown	Coopwood	Ellis	M'Vay of Law	Smith of Laud.
Broadnax	Coleman	Exum	Martin	Williams
Bell	Davis of Lr.	Johnson	Massey	Walthall
Crenshaw	Dupuy	M'Clung	Powell	Whitfield—29
Craig	Duke	Moore of Mad.	Rhodes	

Those who voted in the negative are—

Mr. Acklen	Davis of Jack.	Heard	Moore of Jack.	Parham
Benson	Dale	Dennis	Harris	Mead
Bridges	Dabose	Jones	Neill	Ross
Bailey	Edwards	Lawler	Perkins	Smith of Her.
Bradford	Fluker	Lewis	Pickens	Sims
Barclay	Greening	Montgomery	Perry	Terry
				Weissenger—31

A message from the Senate by Mr. Lyon their secretary. Mr. Speaker, the Senate concur in the resolution of your honorable body, proposing to go into the election of a State Printer, and have amended the same by striking out the words "to-morrow at 3 o'clock p. m." and inserting in lieu thereof the words "to-day at 3 o'clock p. m." and also by adding thereto the words "and also a Solicitor for the First Judicial Circuit" after the words "State Printer." In which amendment they respectfully desire your concurrence. And then he withdrew. In which resolution the House concurred.

On motion of *Mr. Terry*, Resolved, That the judiciary committee be instructed to inquire into the expediency of passing a law giving to the county or circuit courts the power to authorize the emancipation of slaves.

*Mr. Greening* offered the following resolution: Resolved, That the judiciary committee be instructed to draft and report a bill to abolish the present county court system, and to vest the powers now exercised

by said court, in relation to orphans' business, in courts of ordinary; which was laid on the table.

On motion of *Mr. Rhodes*, Resolved, That the committee on inland navigation be instructed to inquire into the expediency of establishing by law a Board of Public Works, for the purpose of appropriating such a fund as will be sufficient to meet the contemplated objects of this resolution, with leave to report by bill or otherwise.

*Mr. Acklen* obtained leave to introduce a bill to be entitled an act regulating appeals from justices of the peace; which was read a first time, and ordered to be read a second time.

*Mr. Mead*, from the committee on county boundaries, to which was referred the petition of sundry citizens of Pike county, praying to be annexed to the county of Butler, reported that the prayer of the petitioners ought not to be granted. In which report the House concurred.

*Mr. Williams*, from the committee of the whole House, to which was referred the Governor's message, together with the accompanying documents, reported the following resolutions: In all of which the House concurred.

Resolved, That so much of the Governor's message as relates to the improvement of the judiciary system, be referred to the judiciary committee.

Resolved, That so much of the Governor's message as relates to education, the establishment of primary schools, and the location of the university, be referred to the committee on schools, colleges and universities, and school and university lands.

Resolved, That so much of the Governor's message as relates to military affairs, be referred to the military committee.

Resolved, That so much of the Governor's message as relates to internal improvement, be referred to the committee on inland navigation.

Resolved, That so much of the Governor's message as relates to the corporation of the St. Stephens' Steam Boat Company, be referred to the judiciary committee.

Resolved, That so much of the Governor's message as relates to the establishment of an Office or Branch of the United States Bank in this state, at Mobile, with the accompanying documents, be referred to a select committee. Whereupon Messrs. Benson, Ross and Bridges were appointed said committee.

Resolved, That so much of the Governor's message as relates to the dividing line between this state and the state of Georgia, be referred to a select committee. Whereupon Messrs. Terry, Greening and Broadnax were appointed said committee.

Resolved, That so much of the Governor's message as relates to the unsettled accounts between this state and the state of Mississippi, be referred to a select committee. Whereupon Messrs. M'Vay of Laud. Sims and Williams were appointed said committee.

Resolved, That so much of the Governor's message as relates to the Salt Springs, be referred to a select committee. Whereupon Messrs. Fluker, Raney, Walball and Edwards were appointed said committee.

Resolved, That so much of the Governor's message as relates to annexing a portion of West Florida to this state, with the accompanying documents, be referred to a select committee. Whereupon Messrs.

Moore of Mad. Greening, Acklen, Crenshaw and Weissenger were appointed said committee.

Resolved, That so much of the Governor's message as relates to the Creek Treaty, be referred to a select committee. Whereupon Messrs. Lewis, Benson, Bailey, McClung, Moore of Mad. Pickens and Craig were appointed said committee.

Resolved, That so much of the Governor's message as relates to the decease of the Ex-Presidents of the United States, Thomas Jefferson and John Adams, be referred to a select committee. Whereupon Messrs. Greening, Moore of Jack, Smith of Land, Duke, Ellis and Rhodes were appointed said committee.

Resolved, That so much of the Governor's message as relates to the improvement of agriculture, and the institution of agricultural societies in this state, be referred to a select committee. Whereupon Messrs. Bridges, Johnson Lowler and Massey were appointed said committee.

Resolved, That so much of the Governor's message as relates to the public lands, be referred to a select committee. Whereupon Messrs. Davis of Fr. McVay of Law, Duke and Whitfield were appointed said committee.

Mr. Speaker laid before the House the Report of the President and Directors of the Bank of the State of Alabama; which was read, and laid on the table.

A message from the Senate by Mr. Lyon their secretary:

Mr. Speaker: the Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, That with the concurrence of the House of Representatives, the Senate will assemble in the Representative Hall at 3 o'clock on Monday next, to elect a Senator to the Congress of the United States, a Secretary of State, Comptroller and Treasurer, and a Commissioner for classing the University lands in the second judicial circuit, and Judges of the County Courts. And then he withdrew.

Mr. Davis of Fr. moved to amend the same by striking out the words "on Monday next," and insert, in lieu thereof, the words "this day at the hour of 3 o'clock p. m." and by striking out the words Comptroller and Treasurer. *Ordered*, that the House concur in the resolution as amended.

On motion of Mr. Greening, *Resolved*, That this House will proceed, on Monday next, at twelve o'clock, to appoint a committee to act with such committee as may be appointed on the part of the Senate, to examine into the situation & condition of the Bank of the State of Alabama.

On motion of Mr. Davis of Fr. *Resolved*, That the judiciary committee be instructed to inquire into the expediency of permitting defendants in all cases to plead a partial failure of consideration.

Mr. Moore of Jack. offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of repealing so much of an act, of the last session of the legislature, as requires that each Judge of the Circuit Court shall preside successively in every Circuit in this state; which was lost.

Mr. Ferry obtained leave to introduce a bill, to be entitled an act concerning appeals from the county to the circuit courts, and for other purposes; which was read a first time, and ordered to be read a second time.

On motion of Mr. Coopwood, Resolved, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of revising and amending the laws of this state in relation to roads, bridges, highways and ferries.

A message from the Governor by James I. Thornton, Secretary of State, which he handed in at the Speaker's chair: and then he withdrew.

The said message is as follows:

EXECUTIVE DEPARTMENT, NOV. 24, 1826.

*The Honorable the Speaker and members of the House of Representatives:*

Gentlemen—I have now the honor to transmit to both Houses of the General Assembly a copy of the Digest of the militia and patrol laws, accompanied by the report of the Digester. It is hoped that the natural and lucid arrangement of the several parts will place in a clear view the merits and defects of the present system. I have also the honor to inform you that Dr. Billingslea has resigned his office as a member of the Board of Trustees of the University of Alabama.

I have the honor to be,

most respectfully, your ob't serv't.

(Signed)

JOHN MURPHY.

Ordered, that so much of said message as relates to military affairs, be referred to the military committee; and that so much thereof as relates to the resignation of Dr. Billingslea as Trustee of the University of Alabama, be laid on the table.

Mr. Con obtained leave to introduce a bill to be entitled an act to alter the time of holding the county courts of Lawrence and Limestone counties; which was read a first time, and ordered to be read a second time.

The House then proceeded to the orders of the day.

A bill to be entitled an act to incorporate the Trustees of Greenville Academy, in Butler county, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to incorporate the town of Decatur, in Morgan county, was read a second time, and ordered to be engrossed for a third reading.

On motion of Mr. Perry, Resolved, That the judiciary committee be instructed to inquire whether it be not expedient so to alter the existing law as to make good the service of writs and warrants, by leaving copies thereof at the residence of defendants, in certain cases.

On motion of Mr. Craig, Resolved, That the committee on the judiciary be instructed to inquire into the expediency of appointing some fit person or persons to examine the digested laws of this state, and to expunge such laws, or parts of laws, if any, which have been repealed, and to retain such only as are necessary for the full purposes of justice; and to have them properly classed and consolidated; as also to make such notes and references to those which may be ambiguous or doubtful as they may think proper, and report to this House.

A bill to be entitled an act more effectually to secure the compensation allowed by law to jurors therein mentioned, was referred to a select committee, consisting of Messrs. M'Vay of Law, Perkins and Coopwood.

A bill to be entitled an act authorizing Sarah Bowie, administrator of John Bowie, deceased, to sell and transfer certain real estate, was referred to the judiciary committee.

A bill to be entitled an act to declare certain parts of the Choctaw



patches and Pea rivers public highways, was referred to a select committee, consisting of Messrs. Exum, Dennis and Smith of Henry.

Mr. Moore of Jack, obtained leave to introduce a bill to be entitled an act to compel the attendance of witnesses from court to court; which was read a first time, and ordered to be read a second time.

And then the House adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock.*

The House met pursuant to adjournment.

A message was received from the Governor, by James I. Thornton, Secretary of State, which is as follows:

EXECUTIVE DEPARTMENT, Nov. 26, 1826.

*The Hon. the Speaker and members of the House of Representatives:*

Gentlemen—In the list of executive appointments of Judges of the County Courts during the recess of the General Assembly, the appointment of William Ragsdale, vice D. F. Rossden resigned, was by mistake omitted.

I have the honor to be, most respectfully, your ob't serv't,

(Signed)

JOHN MURPHY.

And then he withdrew. *Ordered*, That said message lie on the table.

On motion of Mr. M'Vay of Law. *Resolved*, That the judiciary committee be instructed to inquire into the propriety and expediency of associating by law the Justices of the Peace with the Judge of the County Court in each county of this state, to discharge the duties of the courts, of roads and revenue; and of repealing the law requiring commissioners of roads and revenue being elected every year; with leave to report by bill or otherwise.

On motion of Mr. Johnson, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law requiring that defendants shall have ten days notice in all suits commenced against them before justices of the peace.

Mr. Moore of Jack, obtained leave to introduce a joint resolution authorizing the vote of Mr. Ambrister to be taken at his room in the approaching election for Senator; which was read a first time, and, the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and ordered to be engrossed for a third reading to-day.

Engrossed joint resolution authorizing the vote of Mr. Ambrister to be taken at his room in the approaching election for Senator, was read a third time, and the question being put, shall this resolution pass? it was determined in the affirmative. *Ordered*, that the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Mr. Bridges offered the following resolution: *Resolved*, That the Senate now be invited to assemble in the Representative Hall, for the purpose of going into the several elections contemplated by a resolution of the two Houses; which was laid on the table.

On motion of Mr. Ross, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing the second and third sections of an act entitled an act to amend the law now in force in relation to the duties of the county treasurers of this state, passed the 14th January, 1826.

On motion of Mr. Lawler, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of altering the time of holding



the circuit courts in the third judicial circuit, so that they may not be holden in the counties of Shelby and Bibb at the same time.

On motion of Mr. Broadnax, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law to compel sheriffs in each and every county in this state, to advertise in some public newspaper in this state all lands and negroes levied on by them for sale; with leave to report by bill or otherwise.

And then the House adjourned until Monday morning 10 o'clock.

Monday, November 27th, 1836.

The House met pursuant to adjournment.

On motion of Mr. Davis of Fr. *Resolved*, with the concurrence of the Senate, That the General Assembly do proceed this day, at the hour of 12 o'clock, to elect a Senator to the Congress of the United States from this state.

Mr. Montgomery presented the petition of the commissioners of roads, highways and bridges of Mobile county, praying an alteration in the road laws; which was read, and referred to the committee on roads, bridges and ferries.

Mr. Williams presented the account of the sheriff of Walker county; which was read, and referred to the committee on accounts.

Mr. Perry presented the account of John Murphy; which was read, and referred to the committee on accounts.

Mr. Perry presented the account of Wilson Murphy; which was read, and referred to the committee on accounts.

Mr. Perry presented the account of Sarah Mullins; which was read, and referred to the committee on accounts.

Mr. Perry presented the account of John Murphy; which was read, and referred to the committee on accounts.

The Speaker laid before the House the records and proceedings of the Circuit Court of Dallas county, exercising chancery jurisdiction, together with the records of the Supreme Court, in the case of Olivia A. Taylor, by her next friend, against John Taylor, for divorce; which was read, and referred to the committee on divorce and alimony.

Mr. Ellis presented the records and proceedings of the Circuit Court of Tuscaloosa county, exercising chancery jurisdiction, in the case of William Bryant against Rhodicy Bryant, for divorce; which was read, and referred to the committee on divorce and alimony.

Mr. Exum, from the select committee to which was referred a bill declaring certain parts of the Choctawhatchee and Pea Rivers public highways, reported the same as amended, by striking out the words "to the mouth thereof," and insert the words "within the limits of this state." In which report the House concurred.

Mr. Exum, from the select committee to which was referred the petition of sundry inhabitants of Limestone and Madison counties, praying the passage of a law emancipating a negro slave Jim, reported, the prayer of the petitioners unreasonable. In which report the House concurred.

Mr. M'Vay of Land. offered the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of making it the duty of the county treasurer of each county, to audit all accounts presented to him against the county; and that he pay the same according to their respective dates, upon proof of

the date and of the account; the oldest shall be first paid, and so of all others according to date; which was lost.

On motion of Mr. M<sup>o</sup>Vay of Laud. *Resolved*, That the committee on roads, bridges and ferries be instructed to examine into the propriety of laws establishing neighborhood roads of less width than the common highways are now required to be, according to the importance and utility thereof, leaving a discretion to the commissioners of roads and revenue, and report by bill or otherwise.

On motion of Mr. Smith of Laud. *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law to subject prosecuting officers in behalf of the state to costs in all cases of defaults in bills of indictment.

On motion of Mr. Smith of Henry, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of organizing Dale county and to provide for the holding of two terms of the Circuit Court in said county in pursuance of the constitution.

A message from the Senate by Mr. Lyon their secretary—

Mr. Speaker—The Senate concur in the resolution of your honorable body, proposing to proceed to the election of a Senator to the Congress of the United States from this state, this day, at the hour of 12 o'clock. They have also adopted the following resolution, in which they ask the concurrence of your honorable body: *Resolved by the Senate*, That with the concurrence of the House of Representatives, it shall be the duty of the military standing committees of both Houses to examine the State Armory, and report the number and situation of the arms therein. In which resolution the House concurred.

*Ordered*, That Mr. Johnson be added to the committee on county boundaries. *Ordered*, That Mr. Montgomery be added to the committee on roads, bridges and ferries.

The House then proceeded to the orders of the day.

Engrossed bill to be entitled an act to incorporate the town of Decatur, in Morgan county, was read a third time; and the question being put, shall this bill pass? it was determined in the affirmative. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to incorporate the Trustees of Greenville Academy, in Butler county, was read a third time; and the question being put, shall this bill pass? it was determined in the affirmative. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A bill to be entitled an act regulating appeals from Justices of the Peace, was referred to the judiciary committee.

A bill to be entitled an act concerning appeals from the county to the circuit courts, and for other purposes, was referred to the judiciary committee.

A message from the Senate by Mr. Crabb: Mr. Speaker, the Senate have adopted the following resolution, in which they ask your concurrence: *Resolved*, that the Senate will on to-morrow, at 10 o'clock A. M. proceed to elect three members thereof, to act jointly with such committee as may be appointed on the part of the House of Representatives, for the purpose of examining into the condition of the Bank of the State of Alabama, pursuant to an act entitled an act to amend the charter of

the Bank of the State of Alabama. They have also adopted the following resolution, in which they desire your concurrence: Resolved, by the Senate, with the concurrence of the House of Representatives, that the Senate will convene in the Representative Chamber at 3 o'clock this evening, to elect a Solicitor of the First Judicial Circuit, a Commissioner to class the University lands in the Second Judicial Circuit, a Public Printer, and Judges of the County Courts: And then he withdrew.

Mr. Greening moved that so much of said message as relates to the appointment of a committee to examine the Bank of the State of Alabama, be laid on the table; which was carried.

Mr. Bridges moved to amend the same by inserting "except the Judge of Wilcox county court;" which was carried.

*Ordered*, that the House concur in said resolution as amended. *Ordered*, that the clerk acquaint the Senate therewith.

Mr. Coe presented the petition of David L. M'Alister, administrator of William M'Alister, deceased, and Rebecca M'Alister, widow of said decedant, praying the passage of a law to authorize him or them to transfer a land certificate therein named; which was read, and referred to a select committee, consisting of Messrs. Coe, M'Vay of Law, and Moore of Jack.

A bill to be entitled an act to compel the attendance of witnesses from court to court, was referred to the judiciary committee.

A bill to be entitled an act to alter the time of holding the county courts of Lawrence and Limestone counties, was referred to the judiciary committee.

Mr. Terry obtained leave to introduce a bill to be entitled an act for the relief of Zephaniah Hicks; which was read a first time, and ordered to be read a second time.

On motion of Mr. Weissenger, Resolved, that this House will now proceed to the appointment of a committee to act with such committee as may be appointed on the part of the Senate, to examine into the situation and condition of the Bank of the State of Alabama, in pursuance of the charter of said Bank.

Mr. M'Clung moved to amend the same by striking out the word "now," and insert in lieu thereof the words "to-morrow 10 o'clock;" which was carried. The said resolution was further amended by striking out the word "appointment," and insert in lieu thereof the word "election."

On motion of Mr. Weissenger, Resolved, that the Senate be informed that this House is now prepared to receive them, to go into the election of a Senator in the Congress of the United States, and that the east corner of the Representative Hall is assigned for their reception.

The Senate having repaired to the Hall of the House of Representatives, both Houses then proceeded to the election of a Senator to the Congress of the United States, to fill the vacancy occasioned by the death of the Honorable Henry Chambers.

John M'Kinley and Clement C. Clay being in nomination—

For John M'Kinley, 41

For Clement C. Clay, 38

Those who voted for John M'Kinley are—

Mr. Ashe	Sullivan	Bradford	Dubose	Duke	Martin
Brown	Vanhoose	Cremshaw	Ellis		Massey
Casey	of the Senate.	Craig	Edwards		Pickens
Irwin	Mr. Speaker	Coopwood	Greening		Parham
Jones	Acklen	Coleman	Johnson	Jones	Perry
Merriwether	Benson	Davis of Fr.	Lawler		Williams
Miller	Bridges	Dennis	M'Vay of Laud		Weissenger
Skinner	Brown	Dupuy	M'Vay of Law.		Walthall—41

Those who voted for Mr. Clay are—

Mr. President	of the Senate.	Dale	Montgomery	Rhodes
Abercrombie	Mr. Ambrister	Edmondson	Moore of Mad.	Raney
Barton	Bailey	Exum	Moore of Jack.	Smith of Henry
Clay	Broadnax	Fluker	Mead	Smith of Lau.
Crabb	Bell	Heard	Neill	Sims
Jackson	Barclay	Harris	Perkins	Terry
M'Camy	Cor	Lewis	Powell	Whitfield—38
Powell	Davis of Jack.	M'Clung	Ross	

John M'Kinley having received a majority of votes, Mr. Speaker therefore declared him duly elected a Senator in the Congress of the United States to fill the vacancy occasioned by the death of the Honorable Henry Chambers, deceased. The Senate withdrew.

And then the House adjourned until this evening 3 o'clock.

*Evening Session, 3 o'clock.*

The House met pursuant to adjournment.

Mr. Sims obtained leave to introduce a bill to be entitled an act to repeal in part and amend an act to fix the salary of the President of the Bank of the State of Alabama and for other purposes, passed January 14th, 1826; which was read a first time, and ordered to be read a second time.

On motion of Mr. Ross, Resolved, That a committee be appointed to inquire into and report to this House at what point or place a Branch of the Bank of the State of Alabama could be established best calculated to protect and support the mother institution. Whereupon Messrs. Ross, Moore of Mad. M'Vay of Laud. Ellis, Pickens, Weissenger, Lewis and Fluker were appointed said committee.

A message from the Senate by Mr. Lyon their secretary—

Mr. Speaker: The Senate concur in the amendment made by your honorable body to their resolution, proposing to go into the election of certain officers therein named, to-day at 3 o'clock, by excepting the Judge of the county court of Wilcox. And then he withdrew.

On motion of Mr. Mead, Resolved, That the Senate be informed that this House is now ready for their reception in the east end of the Hall, to proceed to the election of certain officers, in the election of which they have heretofore concurred.

The Senate having repaired to the Hall of the House of Representatives, both Houses then proceeded to the election of a Solicitor of the First Judicial Circuit, to fill the vacancy occasioned by the death of Thomas Murray, deceased. John Elliott, John Hunter, P. T. Harris, Elisha Young, D. R. W. M' Rae, and Thomas P. Lumpkin, being in nomination. For John Elliott, 20 votes—John Hunter 13—P. T. Harris 13—Elisha Young 12—D. R. W. M' Rae 9—Thomas P. Lumpkin 9.



Those who voted for John Elliott are

Mr. President, Barton, Casey, M'Camy, Merriwether, Miller, Skinner, Vanhoose of the Senate. Mr. Benson, Bell, Barclay, Davis of Jack Edmondson, Johnson, Montgomery, Mead, Martin, Perkins, Parham, Ross, of the House.

Those who voted for John Hunter are

Mr. Brown, Irwin, Jones, of the Senate. Mr. Speaker, Bradford, Crenshaw, Davis of Fr. Dennis, Exum, M'Vay of Law. Perry, Powell, Smith of Henry, of the House.

Those who voted for P. T. Harris are

Mr. Ashe of the Senate. Mr. Brown, Coleman, Dupuy, Dubose, Fluker, Jones, Lawler, M'Clung, Moore of Mad. Massey, Neill, Rhodes and Whitfield, 14, of the House.

Those who voted for Mr. Young are

Mr. Jackson, Powell, Sullivan of the Senate. Mr. Craig, Duke, Ellis, Moore of Jack. Smith of La. Sims, Weissenger, Williams, Walthall, 12, of the House.

Those who voted for Mr. M'Rea are

Mr. Bagby of the Senate. Mr. Acklen, Bridges, Dale, Edwards, Greening, Heard, M'Vay of Laud. Pickens—9.

Those who voted for Mr. Lumpkin are

Mr. Abercrombie, Clay, Crabb of the Senate. Mr. Bailey, Broadnax, Coe, Coopwood, Lewis, Terry—9.

No candidate having received a majority of votes, both Houses proceeded again to the election of a Solicitor to the first judicial circuit—John Elliott, John Hunter, P. T. Harris, Elisha Young, D. R. W. M'Rea and Thomas P. Lumpkin being in nomination—For John Elliott 20 votes—John Hunter 18—P. T. Harris 14—Elisha Young 10—D. R. W. M'Rea 7—Thomas P. Lumpkin 8.

Those who voted for Mr. Elliott are

Mr. President, Barton, Casey, M'Camy, Merriwether, Miller, Skinner, Vanhoose of the Senate. Mr. Benson, Bell, Bailey, Davis of Ja. Edmondson, Johnson, Montgomery, Mead, Martin, Perkins, Parham, Ross—20.

Those who voted for Mr. Hunter are

Mr. Brown, Irwin, Jones of the Senate. Mr. Speaker, Acklen, Bradford, Crenshaw, Coopwood, Davis of Fr. Dennis, Exum, Moore of Ja. M'Vay of Laud. M'Vay of Law. Perry, Powell, Smith of Hen. Williams—18.

Those who voted for Mr. Harris are

Mr. Ashe of the Senate. Mr. Brown, Coleman, Dupuy, Dubose, Fluker, Jones, Lawler, M'Clung, Moore of Mad. Massey, Neill, Rhodes, Whitfield—14.

Those who voted for Mr. Young are

Mr. Jackson, Powell, Sullivan of the Senate. Mr. Craig, Duke, Ellis, Smith of Laud. Sims, Weissenger, Walthall—10.

Those who voted for Mr. M'Rea are

Mr. Bagby of the Senate. Mr. Bridges, Dale, Edwards, Greening, Heard, Pickens—7.

Those who voted for T. P. Lumpkin are

Mr. Abercrombie, Clay, Crabb of the Senate. Mr. Bailey, Broadnax, Coe, Lewis, Terry—8.

No candidate having received a majority of votes, both houses again proceeded to the election of a Solicitor of the first judicial circuit. John Hunter, John Elliott, P. T. Harris, Elisha Young and Tho. P. Lumpkin, being in nomination—For John Elliott 31 votes, John Hunter 26, P. T. Harris 11, Elisha Young 4, T. P. Lumpkin 5.

Those who voted for Mr. Elliott are

Mr. President, Ashe, Bagby, Burton, Casey, Clay, Jackson, M'Camy, Merri-

wether, miller, Skinner, Vanhooze, of the S. Mr. Benson, Bridges, Bell, Barclay, Coe, Davis of Jack. Dale, Dupuy, Edmondson, Edwards, Johnson, Montgomery, Mead, Martin, Perkins, Pickens, Parham, Ross, Smith of Land.—31.

Those who voted for Mr. Hunter are

Mr. Brown, Crabb, Irwin, Jones, of the Senate. Mr. Speaker, Acklen, Brown, Bradford, Crenshaw, Craig, Coopwood, Coleman, Davis of Fr. Dennis, Ellis, Exum, Greening, Heard, Moore of Jack. M'Vay of Land. M'Vay of Law. Massey, Perry, Powell, Smith of Hen. Williams—26.

Those who voted for Mr. Harris are

Mr. Powell of the Senate. Mr. Dubose, Fluker, Jones, Lawler, M'Clung, Moore of Mad. Neill, Rhodes, Sims, Whitfield—11.

Those who voted for Mr. Young are

Mr. Sullivan of the Senate. Mr. Duke, Weissenger, Walthall—4.

Those who voted for Mr. Lumpkin are

Mr. Abernethy of the S. Mr. Bailey, Broadnax, Lewis, Terry, J., of the H.

No candidate having received a majority of votes, both houses again proceeded to the election of a Solicitor of the first judicial circuit. John Elliott, John Hunter, and P. T. Harris being in nomination—For John Elliott 37 votes, John Hunter 29, P. T. Harris 11.

Those who voted for Mr. Elliott are

Mr. President, Ashe, Bagby, Barton, Casey, Clay, Jackson, M'Camy, Merriwether, Miller, Skinner, Sullivan, Vanhooze of the Senate. Mr. Benson, Bridges, Broadnax, Bell, Barclay, Craig, Coe, Davis of Ja. Dale, Dupuy, Dubose, Edmondson, Edwards, Johnson, Montgomery, Mead, Martin, Perkins, Pickens, Parham, Ross, Smith of Land, Terry, Walthall—37.

Those who voted for Mr. Hunter are

Mr. Brown, Crabb, Irwin, Jones of the Senate. Mr. Speaker, Acklen, Brown, Bradford, Crenshaw, Coopwood, Coleman, Davis of Fr. Dennis, Duke, Ellis, Exum, Greening, Heard, Moore of Ja. M'Vay of Land. M'Vay of Law. Massey, Perry, Powell, Smith of H. Sims, Williams, Weissenger, Whitfield—29.

Those who voted for Mr. Harris are

Mr. Abernethy, Powell of the Senate. Mr. Bailey, Fluker, Jones, Lawler, Lewis, M'Clung, Moore of Mad. Neill, Rhodes—11.

No candidate having received a majority of votes, both houses again proceeded to the election of a Solicitor of the first judicial circuit. John Elliott, John Hunter and P. T. Harris being still in nomination: For John Elliott 43 votes, John Hunter 32, P. T. Harris 2.

Those who voted for Mr. Elliott are

Mr. President	Merriwether	Bailey	Dubose	Perkins
Abernethy	Miller	Broadnax	Edmondson	Pickens
Ashe	Powell	Bell	Edwards	Parham
Bagby	Skinner	Barclay	Fluker	Ross
Barton	Sullivan	Craig	Johnson	Rhodes
Casey	Vanhooze	Coe	Montgomery	Smith of Land.
Clay	of the Senate.	Davis of Jack.	Moore of Mad.	Terry
Jackson	Mr. Benson	Dale	Mead	Walthall—43
M'Camy	Bridges	Dupuy	Martin	

Those who voted for Mr. Hunter are

Mr. Brown	Brown	Dennis	Duke	Moore of Jack.	Powell
Crabb	Bradford	Ellis	Exum	M'Vay of Land	Smith of Hen.
Irwin	Crenshaw	Greening		M'Vay of Law.	Sims
Jones of Sen.	Coopwood	Heard		Massey	Williams
Mr. Speaker	Coleman	Jones		Neill	Weissenger
Acklen	Davis of Fr.	Lawler		Perry	Whitfield—32

Those who voted for Mr. Harris are—Mr. Lewis, M'Clung.

John Elliott having received a majority of votes, Mr. Speaker declared him duly elected Solicitor of the first judicial circuit.

Both houses then proceeded to the election of a Commissioner to class the university lands in the second judicial circuit. James Moore and Thomas Crawford being in nomination—For James Moore 35 votes, Thomas Crawford 42.

Those who voted for Mr. Moore are

Mr. Crabb	of the Sen.	Coopwood	Heard	Perry
Irwin	Mr. Acklen	Davis of Fr.	Jones	Powell
Jones	Benson	Dubose	Moore of Mad.	Sims
McCamy	Bridges	Edmondson	Moore of Jack.	Terry
Miller	Brown	Ellis	McVay of Laud.	Williams
Skinner	Broadnax	Edwards	Neill	Weissenger
Sullivan	Bradford	Coe Greening	Pickens	Walthall—35

Those who voted for Mr. Crawford are

Mr. President	Merriwether	Coleman	Johnson	Perkins
Abercrombie	Powell	Davis of Ja.	Lawler	Parham
Ashe	Vanhoose	Dale	Lewis	Ross
Bagby	of the Sen.	Dennis	McClung	Rhodes
Barton	Mr. Speaker	Dupuy	Montgomery	Smith of Hen.
Brown	Bailey	Duke	McVay of Law.	Smith of Lau.
Casey	Bell	Exum	mead	Whitfield—42
Clay	Barclay	Fluker	Martin	
Jackson	Crenshaw	Harris	Massey	

Mr. Crawford having received a majority of votes, Mr. Speaker therefore declared him duly and constitutionally elected a Commissioner to class the university lands in the second judicial circuit.

Both houses then proceeded to the election of a Public Printer.—Messrs. Davenport & McFarland and Grantland & Robinson being in nomination. For Davenport & McFarland 30 votes, Grantland & Robinson 48.

Those who voted for Davenport & McFarland are

Mr. Ashe	Merriwether	Crenshaw	Edmondson	Parham
Bagby	Sullivan	Coopwood	Exum	Perry
Brown	of the Sen.	Coleman	McVay of Law.	Pickens
Casey	Mr. Benson	Davis of Fr.	Martin	Sims
Jackson	Bridges	Dale	Massey	Williams
Jones	Bell	Dupuy	Neill	Weissenger—30

Those who voted for Grantland & Robinson are

Mr. President	of the Sen.	Davis of Ja.	Johnson	Perkins
Abercrombie	Mr. Speaker	Dennis	Jones	Powell
Barton	Acklen	Dubose	Lawler	Ross
Crabb	Bailey	Duke	Lewis	Rhodes
Irwin	Brown	Ellis	McClung	Smith of Hen.
McCamy	Broadnax	Edwards	Montgomery	Smith of Laud.
Miller	Bradford	Fluker	Moore of Mad.	Terry
Powell	Barclay	Greening	Moore of Jack.	Walthall
Skinner	Craig	Heard	McVay of Laud.	Whitfield—48
Vanhoose	Coe	Harris	mead	

Messrs. Grantland & Robinson having received a majority of votes, Mr. Speaker declared them duly and constitutionally elected public printers for the next ensuing twelve months.

Both houses then proceeded to the election of a Judge of the County Court for Washington county, to fill the vacancy occasioned by the

death of William D. Gaines. James Taggart being in nomination.—  
For James Taggart 77 votes.

Those who voted for James Taggart are

Mr. President, Abercrombie, Ashe, Bagby, Barton, Brown, Casey, Crabb, Jackson, Irwin, Jones, m'Camy, merriwether, miller, Powell, Skinner, Sullivan, Vanhooze, of the senate. Mr. Speaker, Acklen, Benson, Bridges, Bailey, Brown, Barclay, Broadnax, Bell, Bradford, Crenshaw, Craig, Coe, Coopwood, Coleman, Davis of Fr. Davis of Ja. Dale, Dennis, Dupuy, Dubose, Duke, Edmundson, Ellis, Edwards, Ezum, Fluker, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, m'Clung, montgomery, moore of mad. moore of Jack. m'Vay of Land. m'Vay of Law. mead, martin, mussey, Neill, Perkins, Pickens, Parham, Perry, Powell, Ross, Rhodes, Smith of Hen. Smith of La. Sims, Terry, Williams, Weissenger, Walthall, Whitfield—77.

Mr. Taggart having received a majority of votes, Mr. Speaker declared him duly elected Judge of the county court for Washington county.

Both houses then proceeded to the election of a Judge of the County Court for Monroe county, to fill the vacancy occasioned by the resignation of William B. Patton: Asa Hammond and Henry W. Taylor being in nomination. For Asa Hammond 32 votes, Henry W. Taylor 45.

Those who voted for Mr. Hammond are

Mr. merriwether	Bradford	Duke	moore of mad.	Rhodes
Sullivan	Coopwood	Ellis	Edwards	m'Vay of Land.
of the Sen.	Coleman	Fluker	mussey	Neill
Mr. Speaker	Davis of Fr.	Heard	Perkins	Weissenger
Benson	Davis of Ja.	Johnson	Pickens	Walthall
Broadnax	Dubose	montgomery	Perry	Whitfield—32

Those who voted for Mr. Taylor are

Mr. President	Jackson	Mr. Acklen	Dupuy	moore of Ja.
Abercrombie	Irwin	Bailey	Edmondson	m'Vay of Law.
Ashe	Jones	Brown	Ezum	mead
Bagby	m'Camy	Bell	Greening	martin
Barton	miller	Barclay	Harris	Parham
Brown	Powell	Crenshaw	Jones	Powell
Casey	Skinner	Craig	Coe	Lawler
Clay	Vanhooze	Dale	Lewis	Smith of Hen.
Crabb	of the Sen.	Dennis	m'Clung	Smith of La. 45

Mr. Taylor having received a majority of votes, Mr. Speaker there-fore declared him elected Judge of the county court for Monroe county.

Both houses then proceeded to the election of a Judge of the county court for Greene county, to fill the vacancy occasioned by the resignation of William Murphy; Thomas F. Moody, William M'Dowell, and Pleasant May, Jr. being in nomination. For Thomas F. Moody 46 votes, William M'Dowell 3, Pleasant May, Jr. 27.

Those who voted for Mr. Moody are

Messrs. Ashe	Skinner	Craig	Harris	Pickens
Bagby	Sullivan	Coe	Johnson	Parham
Casey	Vanhooze	Coopwood	Lawler	Perry
Clay	of the sen.	Coleman	M'Clung	Powell
Irwin	Mr. Acklen	Davis of Fr.	Moore of Mad.	Smith of Henry
Jones	Benson	Davis of Jack.	Moore of Jack.	Williams
m'Camy	Bridges	Dupuy	m'Vay of Law.	Weissenger
Merriwether	Brown	Dubose	Martin	Walthall
Miller	Barclay	Duke	Neill	Whitfield—46
Powell	Crenshaw	Heard	Perkins	



Those who voted for Mr. McDowell are

Mr. Barton *of the sen.* Ellis Montgomery-3

Those who voted for Mr. May are

Mr. President	<i>of the sen.</i>	Dale	Dennis	Greening	Massey
Abercrombie	Mr. Speaker	Edmondson	Jones	Ross	Rhodes
Brown	Bailey	Edwards	Lewis	Smith of Lau.	
Crabb	Broadnax	Exum	M'Vay of Laud.	Sims	
Jackson	Bell	Bradford	Fluker	Mead	Terry-27

Mr. Moody having received a majority of votes, Mr. Speaker declared him duly elected Judge of the county court for Greene county.

Both houses then proceeded to the election of a Judge of the county court for Jackson county, to fill the vacancy occasioned by the resignation of Samuel B. Moore: James Russell, William S. Compton and Joseph B. Eason being in nomination. For James Russell 30 votes, Wm. S. Compton 35, Joseph B. Eason 7.

Those who voted for Mr. Russell are

Mr. President	Irwin	<i>of the sen.</i>	Coleman	M'Vay of Law.
Ashe	Jones	Mr. Bridges	Davis of Jack.	Mead
Bagby	M'Camy	Bailey	Dupuy	Neill
Brown	Merriwether	Broadnax	Heard	Parham
Casey	Powell	Barclay	Coe	Harris
Clay	Vanhooose	Coopwood	Lewis	Walthall-30

Those who voted for Mr. Compton are

Mr. Abercrombie	Bell	Ellis	Moore of Jack.	Ross
Barton	Crenshaw	Edwards	Montgomery	Smith of Henry
Jackson	Davis of Fr.	Exum	M'Vay of Laud	Smith of La.
<i>of the sen.</i>	Dale	Dennis	Fluker	Sims
Mr. Speaker	Dubose	Greening	Massey	Williams
Benson	Duke	Johnson	Perkins	Weissenger
Brown	Edmondson	Jones	Pickens	Whitfield-35

Those who voted for Mr. Eason are

Mr. Miller, *of the sen.* Mr. Acklen, Bradford, Lawler, M'Clung, Moore of Mad. Perry-7.

No candidate having received a majority of votes, both Houses again proceeded to the election of a Judge of the county court for Jackson county. James Russell and William S. Compton being in nomination. For James Russell 33 votes, Wm. S. Compton 39.

Those who voted for Mr. Russell are

Mr. President	Jones	Broadnax	Davis of Jack.	mead
Ashe	M'Camy	Bradford	Dupuy	Parham
Bagby	Merriwether	Barclay	Heard	Perry
Brown	Powell	Craig	Harris	Smith of Laud
Casey	<i>of the sen.</i>	Coe	Lewis	Terry
Clay	Mr Bridges	Coopwood	M'Clung	Walthall-38
Irwin	Bailey	Coleman	M'Vay of Law.	

Those who voted for Mr. Compton are

Mr. Abercrombie	Benson	Duke	Jones	Perkins
Barton	Brown	Edmondson	Lawler	Pickens
Jackson	Bell	Ellis	Montgomery	Ross
Miller	Crenshaw	Edwards	Moore of Mad.	Smith of Hen.
Vanhooose	Davis of Fr.	Exum	Moore of Jack.	Sims
<i>of the sen.</i>	Dale	Fluker	M'Vay of Laud.	Weissenger
Mr. Speaker	Dennis	Greening	Martin	Williams
Acklen	Dubose	Johnson	Massey	Whitfield-39

Mr. Compton having received a majority of votes, Mr. Speaker declared him duly elected Judge of the county court of Jackson county.

Both houses then proceeded to the election of a Judge of the county court for Walker county, to fill the vacancy occasioned by the resignation of David Murphree: Samuel D. Reed and George C. Boggs being in nomination. For Samuel D. Reed 60 votes, George C. Boggs 12.

Those who voted for Mr. Reed are

Mr. President	Mr. Speaker	Coleman	Greening	Parham
Abercrombie	Acklen	Davis of Fr.	Heard	Harris
Ashe	Benson	Davis of Jack.	Johnson	Powell
Bagby	Bridges	Dale	Jones	Ross
Barton	Bailey	Dennis	Lawler	Smith of Hen.
Jackson	Broadnax	Dupuy	Lewis	Smith of Laud.
Jones	Bell	Dubose	McClung	Sims
Merriwether	Bradford	Duke	Montgomery	Terry
Miller	Barclay	Ellis	Moore of Mad.	Williams
Skinner	Crenshaw	Edwards	Moore of Jack.	Weissenger
Vanhouse	Craig	Exum	Mead	Walthall
of the sen.	Coe	Fluker	Perkins	Whitfield—60

Those who voted for Mr. Boggs are

Mr. Brown	McCamy	Coopwood	M'Vay of Law.	Perry—12
Clay	of the sen.	Edmondson	Martin	
Crabb	Mr. Brown	M'Vay of Land.	Massey	

Mr. Reed having received a majority of votes, Mr. Speaker declared him duly elected Judge of the county court of Walker county.

Both houses then proceeded to the election of a Judge of the county court for Marion county, to fill the vacancy occasioned by the resignation of D. F. Roysden: Mr. William H. Ragsdale being in nomination. For William H. Ragsdale 67 votes.

Those who voted for Mr. Ragsdale are

Mr. President, Abercrombie, Ashe, Barton, Brown, Clay, Crabb, Irwin, Jones, McCamy, Merriwether, Miller, Powell, Sullivan, Vanhouse, of the sen. Mr. Speaker, Acklen, Benson, Bailey, Brown, Broadnax, Bell, Bradford, Barclay, Craig, Coe, Coopwood, Coleman, Davis of Fr. Davis of Ja. Dale, Dennis, Dupuy, Dubose, Duke, Edmondson, Ellis, Edwards, Exum, Fluker, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, McClung, Moore of Mad. Moore of Ja. M'Vay of Land. M'Vay of Law. Mead, Martin, Massey, Perkins, Perry, Powell, Ross, Smith of Hen. Smith of Laud. Sims, Terry, Williams, Weissenger, Walthall Whitfield—67.

Mr. Ragsdale having received a majority of votes, Mr. Speaker declared him duly elected Judge of the county court of Marion county.

Both houses then proceeded to the election of a Judge of the county court for Shelby county, to fill the vacancy occasioned by the resignation of Joab Lawler; Leonard Tarrant being in nomination. For Leonard Tarrant 65 votes.

Those who voted for Mr. Tarrant are

Mr. President, Ashe, Barton, Brown, Clay, Crabb, Jackson, Irwin, Jones, McCamy, Merriwether, Miller, Powell, Sullivan, Vanhouse, of the Senate. Mr. Speaker, Acklen, Benson, Bridges, Bailey, Brown, Broadnax, Bradford, Barclay, Crenshaw, Craig, Coopwood, Coleman, Davis of Fr. Davis of Ja. Dale, Dennis, Dupuy, Dubose, Duke, Edmondson, Ellis, Edwards, Exum, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, McClung, Moore of Mad. Moore of Jack. M'Vay of Land. M'Vay of Law. Mead, Martin, Massey, Perkins, Perry, Powell, Ross,

Smith of Hen. Smith of La. Terry, Williams, Weissenger, Walthall, Whitfield—65.

Leonard Tarrant having received a majority of votes, Mr. Speaker declared him duly elected Judge of the county court of Shelby county.

The Senate withdrew. And then the house adjourned till to-morrow morning 10 o'clock.

*Tuesday, November 28th, 1826.*

The House met pursuant to adjournment.

Mr. Sims presented the petition of Pleasant May, Jun. guardian of Thacker Vivion, praying the passage of a law to authorize the said Pleasant May, Jun. to remove the property of his ward from the county of Washington to Greene county; which was read, and referred to the committee on propositions and grievances.

Mr. Perkins presented the petition of sundry inhabitants of Tuscaloosa county, praying the passage of a law authorizing the county court of Tuscaloosa county to assume the jurisdiction over so much of Baylor's road as runs through townships seventeen and eighteen, ranges ten and eleven; which was read, and referred to a select committee, consisting of Messrs. Perkins, Duke and Parham.

Mr. Broadnax presented the account of Eli Abbott, jailer of Autauga county, as also the account of William Halbrook, late jailer of said county; which were severally read, and referred to the committee on accounts.

Mr. Acklen, from the select committee to which was referred the petition of William Blake, reported a bill to be entitled an act to repeal in part an act entitled an act authorizing William Blake to emancipate a negro man slave named Jacob, passed Dec. 31st 1823; which was read a first time, and ordered to be read a second time.

The House, pursuant to a resolution, proceeded to the election of a committee on the part of this House, to examine into the situation and condition of the Bank of the State of Alabama, in pursuance of the charter of said Bank.

Whereupon Messrs. Greening, Moore of Mad. and Weissenger were elected said committee.

Mr. Perkins presented the account of Hiram P. Cochran, sheriff of Tuscaloosa county; which was read, and referred to the committee on accounts.

A message from the Governor by James I. Thornton, Secretary of State—And then he withdrew. Said message is as follows:

EXECUTIVE DEPARTMENT, Nov. 27, 1826.

*The Hon. the Speaker and members of the House of Representatives:*

Gentlemen—I now have the honor to transmit the Report of the Commissioners on the part of this State to run the dividing line between this State and Georgia, together with documents and correspondence relating to that operation.

I have also the honor to transmit a report from Major Charles Lewis, who was instructed to make an examination and survey of that section of the Chattahoochee river between the Flat Shoals and the Great Bend, together with his plat or map of the survey, connected with a general delineation of the dividing line.

I have the honor to be,

most respectfully, your ob't serv't,

JOHN MURPHY.

Ordered, that said message, with the accompanying documents, be laid on the table.

Mr. McClung offered the following preamble and resolution :

Whereas it is essential to the business of legislation that the members of each House of the General Assembly should be left to the free and independent exercise of the duties incumbent on them, without being arraigned for the purity of their motives—And whereas Andrew Wills, editor of the Democrat newspaper, (who was by a resolution of this House admitted to a seat within its bar,) has wantonly assailed the feelings of Mr. Moore of Mad.; and through him insulted the dignity of this House, by accusing him, in a personal communication on the subject of his vote in the Senatorial election of yesterday, of having been actuated by a spirit of faction; threatening to procure affidavits of the fact, for the purpose of publication, with other violent and insulting expressions in relation to said vote—

*Be it therefore Resolved*, That the privilege extended to the said Andrew Wills, of having a seat within the bar of this House, be hereafter denied him.

Mr. Benson moved that said preamble and resolution be referred to a select committee; which was lost.

Mr. Greening moved to lay the same on the table; which was lost.

Mr. Dale, who voted in the majority, moved a reconsideration of the vote taken on Mr. Benson's resolution; which was carried.

Whereupon Messrs. Benson, Lewis, McClung, Greening, Moore of Jackson, and Crenshaw were appointed said committee, with instructions to report the facts.

Ordered, That Mr. Exum be added to the committee on roads, bridges and ferries.

On motion of Mr. Moore of Jack. *Resolved*, That the Senate be informed that this House has elected Messrs. Moore of Mad. Weissenger and Greening a committee to act with such committee as may be appointed on the part of their honorable body, to examine the situation of the State Bank, according to an act of the last session of the General Assembly.

Mr. Perry obtained leave to introduce a bill to be entitled an act to change the name and render legitimate certain persons therein named; which was read a first time, and ordered to be read a second time.

Mr. Perry obtained leave to introduce a bill to be entitled an act to provide for taking the census of this state; which was read a first time, and ordered to be read a second time.

Mr. Speaker laid before the House the Report of the Comptroller of Public Accounts. *Ordered*, that three hundred copies thereof be printed for the use of this House.

Mr. Speaker laid before the House the Report of the Treasurer of this state. *Ordered*, that three hundred copies thereof be printed for the use of this House.

A message from the Senate by Mr. Lyon their secretary :

*Mr. Speaker*—The Senate have adopted the following resolution :—*Resolved*, that the House of Representatives be informed that the Senate have elected James Jackson, Thomas Casey and George S. Gaines a committee on their part, to act with such committee as they may elect, to examine the situation of the Bank of the State of Alabama, under the act amending the charter of said Bank. They have adopted the following resolution, in which they desire your concurrence: *Resolved*, that



the Senate will, with the consent of the House of Representatives, convene in the Representative Hall on to-morrow at 3 o'clock p. m. for the purpose of electing a Secretary of State.

Mr. Crenshaw moved to amend the same by adding the words *Comptroller and Treasurer*; which was agreed to. *Ordered*, that the House concur in said resolution as amended, and that the clerk acquaint the Senate therewith.

A bill to be entitled an act to declare certain parts of Choctawhatchee and Pea rivers public highways, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to repeal in part, and amend an act to fix the salary of the President of the Bank of the State of Alabama, and for other purposes, passed 14th January, 1826—

Mr. Mead moved that the further consideration of said bill be postponed; which was lost. Mr. Crenshaw then moved that the further consideration thereof be postponed till the first day of March next; which was lost—Yeas 25, nays 33.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Benson	Coleman	Harris	Moore of Mad. Masson	
Bridges	Dennis	Johnson	Moore of Jac. Perry	
Crenshaw	Dubose	Jones	McVay of Lau-Ross	
Craig	Fluker	Lawler	Mead	Smith of Hk.
Coe	Greening	Lewis	Martin	Smith of La. 25

Those who voted in the negative are

Mr. Speaker	Barclay	Edmondson	McVay of Lau Rho's		
Acklen	Cooper	Ellis	Neill	Sims	Terry
Brown	Davis of Fr.	Edwards	Perkins	Williams	
Broadnax	Davis of Ja.	Exum	Heard	Pickens	Weissenger
Bell	Dale	Dupuy	McClung	Parham	Walthall
Bradford	Duke	Montgomery	Powell	Whitfield—33	

The said bill was then read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of Zephaniah Hicks, was read a second time, and ordered to be engrossed for a third reading.

And then the House adjourned till to-morrow morning 10 o'clock.

Wednesday, 29th November, 1826.

The House met pursuant to adjournment.

Mr. Edmondson, from the committee on roads, bridges and ferries, to which was referred the petition of sundry inhabitants of Wilcox county, praying the establishment of a road through said county, reported the prayer of the petitioners unreasonable, and ought not to be granted.—In which report the House concurred.

On motion of Mr. Mead, *Resolved*, That the committee on roads, bridges and ferries be instructed to inquire into the expediency of so amending the road law as to exempt millers from working on roads.

Mr. Ross, from the select committee to which was referred the petition of Bazile Chasting, of the county of Mobile, praying for the emancipation of certain slaves therein named, report a bill to be entitled an act to emancipate certain slaves therein named; which was read a first time, and ordered to be read a second time.

On motion of Mr. Davis of Fr. *Resolved*, That the military committee be instructed to inquire into the expediency of distributing the arms now in the arsenal of this state, to the different volunteer corps of militia.

A bill to be entitled an act to repeal in part an act entitled an act authorizing William Blake to emancipate a negro man slave named Jacob, passed Dec. 31st, 1823, was read a second time, and ordered to be engrossed for a third reading.

On motion of Mr. McVay of Loud. *Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing so much of the 33d section of an act entitled an act concerning wills, and the duty of executors, administrators and guardians, as prohibits any suit or action being commenced or sustained against them, after the estate of the testator or the estate be represented insolvent, with leave to report by 11 o'clock, to-morrow.

A bill to be entitled an act to change the names and render legitimate Polly Starn and Julius Caesar Starn was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to provide for taking the census of this State, was read a second time, and ordered to be engrossed for a third reading.

Engrossed bills of the following titles, to-wit: an act for the relief of Zephaniah Hicks; an act to declare certain parts of the Choctawhatchee and Pensacola public highways; were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bills to be entitled an act to repeal in part, and amend an act to fix the salary of the President of the Bank of the State of Alabama, and for other purposes, passed January 14th, 1826, was laid on the table.

Mr. Greening, from the judiciary committee to which was referred a bill to be entitled an act to amend an act entitled an act concerning wills and testaments, and settlement of intestate estates, and the duty of executors, administrators and guardians, reported the same without amendment. The said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Powell obtained leave to introduce a bill to be entitled an act explanatory of an act entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31st, 1822; which was read a first time, and ordered to be read a second time.

Mr. Greening, from the judiciary committee, to whom was referred a resolution, instructing them to inquire into the expediency of appointing some fit person or persons to examine the digested laws of this state, and report thereon, reported that it is inexpedient to legislate on this subject. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred the petition of sundry inhabitants of Henry county, praying the passage of a law legalizing the official acts of Timothy Pitman, late sheriff of said county, reported that the prayer of the petitioners cannot be granted without violating the principles of the constitution. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of repealing the 2d and 3d sections of an act entitled an act to amend the laws now in force in relation to the duties of the County Treasurers of this state;

reported that it is inexpedient to repeal the sections in said act referred to in the resolution. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law to subject prosecuting officers in behalf of the state, to the payment of costs in certain cases, reported that it is inexpedient to legislate on the subject. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred two petitions, praying the passage of certain relief laws, reported that it is inexpedient to grant the prayer of the petitioners.

Mr. Coopwood moved that said report lie on the table; which was lost. The said report was then concurred in.

The judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of authorizing justices of the peace, with the aid of jurors, to try cases of assault and battery, and of petit larceny, reported that it is inexpedient to extend the jurisdiction of justices of the peace.

Mr. M'Vay of Land. moved that the House disagree with the report of the committee; which was lost. Mr. Williams moved that said report lie on the table; which was agreed to.

Mr. Greening, from the judiciary committee, to which was referred a bill to be entitled an act to compel the attendance of witnesses from court to court, reported the same without amendment. Said bill was then read a second time, and the question being put, shall this bill be engrossed and read a third time? it was determined in the negative.

Mr. Benson, from the select committee to which was referred a preamble and resolution denying to Andrew Wills a seat within the bar of this House as one of its reporters, reported that Mr. Wills appeared before the committee, on an invitation from the committee, and desired permission to introduce evidence to prove the truth of the charges made by him against Mr. Moore of Mad. a member of the House, which testimony the committee determined was inadmissible. The statement of facts made by Mr. Moore, and hereunto annexed, was read to Mr. Wills, and he admitted before the committee that he was unable to disprove the facts therein stated.

The committee therefore report the statement of facts made by Mr. Moore as presenting a history of the case, and ask leave to be discharged from the further consideration of the subject; which was granted.

The following is a copy of the statement made by Mr. Moore of Mad. to the committee, as referred to by the committee:

"Being called on by the select committee to state what has transpired between myself and Mr. Wills on Monday last, I beg leave to say, that it is only in obedience to the commands of the House I make the statement.

"Some short time after the election of a Senator to the Congress of the United States, while standing in the porch at my boarding place, Mr. Wills, the editor of the Democrat, printed in the town of Huntsville, approached me in an angry manner, and accosted me in substance as follows:—The election is now over, and we have beat you, and I expect you and me will have to fight about this business, as I shall denounce you in the Democrat, and shall show by affidavits, which I will obtain before I leave this place, the maneuvering of a faction to put in

power a man over the heads of the people; and you have attached yourself to that obnoxious party; for it was a party question, and I intend to make it a party question. I now give you fair notice that I shall put you down. I can and will do it, and would have done it before the last election if it had not been for some of my friends. You are understood here to belong to the Huntsville Bank Junta; and I will see to it, and put you flat at home, and I give you notice of my intention. I am willing to fight in any way, and may be killed, as I will take it with knives, pistols, or fist-cuffs, and shall proclaim my opinions in the public streets, and hold myself responsible for what I say; and if you take any exceptions at what I have said, I will give you any satisfaction you want. My reply, as nearly as I can recollect, was in substance as follows: That in the performance of all public duties, and in voting in elections, I held myself responsible only to my constituents, to whose decisions I should cheerfully submit, as I have given a conscientious vote, free from excitement or party feelings—That this wanton and unprovoked insult offered to my feelings and character, would require some reflection to determine what I ought to do, in a matter so delicate and unpleasant; reminding him that he well knew the relation in which I was placed, to the church, to him, and to the House of which I was a member.

(Signed)

DAVID MOORE.

Mr. McClung moved to strike out of the preamble the words "arranged for the," and insert in lieu thereof the words "questioned as to," which was carried.

Mr. M'Vay of Loud. called for a division of the question—and the vote was first taken on striking out the preamble of the resolution; which was lost—Yeas 3, nays 55.

The yeas and nays being desired—those who voted in the affirmative are Messrs. Craig, Coopwood, m'Vay of Loud.—3

Those who voted in the negative are

Mr. Speaker	Coe	Edwards	Montgomery	Powell
Arklin	Coleman	Exum	moore of Jack.	Ross
Benson	Davis of Fr.	Flaker	m'Vay of Law.	Rhodes
Barley	Davis of Ja.	Greening	mead	Smith of Hep.
Bridges	Dale	Heard	Martin	Smith of Loud.
Brown	Dennis	Harris	massey	Sims
Broadnax	Dupuy	Johnson	Neill	Terry
Bell	Dubose	Jones	Perkins	Williams
Bradford	Duke	Lawler	Pickens	Weissenger
Barclay	Edmondson	Lewis	Farham	Walthall
Crenshaw	Ellis	m'Clung	Perry	Whitfield—55

And the question being put, shall this preamble and resolution be adopted? it was determined in the affirmative—Yeas 38, nays 25.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Davis of Ja.	Harris	Neill	Sims
Bell	Dale	Jones	Perkins	Terry
Broadnax	Edmondson	Lawler	Perry	Walthall
Bell	Edwards	Lewis	Powell	Williams
Barclay	Exum	m'Clung	Ross	Whitfield—38
Crenshaw	Flaker	Montgomery	Rhodes	
Coe	Heard	mead	Smith of Law.	

Those who voted in the negative are



Mr Acklen	Craig	Duffy	Johnson	massey
Benson	Coleman	Dabose	moore of Jack.	Pickens
Bridges	Coopwood	Duke	m'Vay of Land.	Parham
Brown	Davis of Fr.	Ellis	m'Vay of Law.	Smith of Hen.
Bradford	Dennis	Greening	martin	Webster 25

Mr. Moore of Mad. offered the following preamble and resolution:

Whereas Mr. Wills proposed to introduce evidence before the committee to establish the truth of the charges made against David Moore, which was refused by said committee: Therefore, *Resolved*, That a committee be appointed to inquire fully into the charges made against David Moore by Mr. Wills, and report the same to this House.

Mr. Coopwood moved to lay the preamble and resolution on the table; which was lost. The preamble and resolution was then adopted.

Whereupon Messrs. Benson, Lewis, McClung, Greening, Moore of Jac. and Crenshaw were appointed a committee on said preamble and resolution.

And then the House adjourned till 3 o'clock this evening.

Evening Session, 3 o'clock.

The House met pursuant to adjournment.

Mr. Pickens obtained leave to introduce a bill to be entitled an act to alter the state road from Selma to Cahawba, by way of the new bridge on Vally creek; which was read a first time, and ordered to be read a second time.

On motion of Mr. Coleman, *Resolved*, That the Secretary of State lay before this House the bonds and obligations executed by the citizens and owners of property in the town of Tuscaloosa, to secure the titles to lots and lands in the corporate limits of Tuscaloosa; and also the title deeds, if any, to the property intended to be conveyed as a donation to the State of Alabama.

A message from the Senate by Mr. Crabb: *Mr. Speaker*: The Senate concur in the amendment made by your honorable body to their resolution proposing to go into the election of a Secretary of State to-day at the hour of 3 o'clock P. M. by adding the words "Treasurer and Comptroller." They have read three times, and passed, a bill which originated in their House, entitled an act to provide for an extra term of the circuit court of Mobile and Baldwin counties. In which they desire your concurrence.

Engrossed bill from the Senate entitled an act to provide for an extra term of the circuit court in Mobile and Baldwin counties, was read a first time, and ordered to be read a second time.

On motion of Mr. Davis of Fr. *Resolved*, That the committee on schools, colleges and universities, and school and university lands, be instructed to inquire into the expediency of locating the University of the State of Alabama, and report by bill or otherwise.

Mr. Bridges obtained leave to introduce a bill to be entitled an act to establish a certain road therein designated, which was read a first time, and ordered to be read a second time.

On motion of Mr. Crenshaw, *Resolved*, That the Comptroller be required to furnish this House, with a view of the amount of taxes arising from each article of taxation in the respective counties of this state.

A message from the Governor by James I. Thornton, Secretary of State—And then he withdrew. Said message is as follows:

EXECUTIVE DEPARTMENT, NOV. 29, 1826.

*The Hon. the Speaker and members of the House of Representatives:*

Gentlemen—I have the honor to lay before you Resolutions of the State of Louisiana, approving a Resolution of the State of Georgia, respecting the importation or ingress of people of colour into any of the States contrary to their laws; and disapproving the resolution of the state of Ohio, proposing a plan for the gradual emancipation of slaves; Resolutions of the state of Vermont, disapproving of the said resolution of the state of Georgia, and signifying the disposition of that state to accord in any consistent plan for the abolition of slavery; Resolutions of the states of Indiana and Maine, disapproving of the resolution of the state of Tennessee in relation to the election of President and Vice President; and the Report and Resolution of the state of Mississippi on the Resolutions of the States of Delaware, Connecticut, Illinois, Indiana, Ohio and New-Jersey, in relation to the emancipation of slaves.

I have the honor to be, most respectfully, your ob't serv't,

(Signed)

JOHN MURPHY.

Ordered, that said message, with the accompanying documents, be laid on the table.

On motion of Mr. Williams, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the usury law so that whenever a greater interest may be taken or demanded for money loaned, that the principal sum may be recovered, with leave to report by bill or otherwise.

On motion of Mr. M'Vay of Laud. *Resolved*, That the Senate be informed that this House is now ready to go into the election for a Secretary of State, Comptroller and Treasurer, and that the east end of the Hall be set apart for their reception.

The Senate having repaired to the Hall of the House of Representatives, both Houses proceeded to the election of a Secretary of State.—James I. Thornton alone being in nomination—For James I. Thornton 77 votes.

Those who voted for Mr. Thornton are

Mr. President	Miller	Crenshaw	Fluker	Massey
Abercrombie	Powell	Coe	Greening	Perkins
Ashe	Skinner	Craig	Heard	Pickens
Bagby	Sullivan	Coopwood	Harris	Parham
Barton	Vanhouse	Coleman	Johnson	Perry
Brown	of the sen 20	Davis of Fr.	Jones	Powell
Casey	Mr. Speaker	Davis of Jack.	Lawler	Ross Rhodes
Clay	Acklen	Dale Dennis	Lewis	Smith of Henry
Crabb	Benson	Dupuy	M'Clung	Smith of Lau.
Gaines	Bridges	Dubose	Montgomery	Sims
Jackson	Bailey	Duke	Moore of Mad.	Terry
Irwin	Brown	Edmondson	Moore of Jack.	Williams
Jones	Broadnax	Ellis	M'Vay of Laud.	Weissenger
M'Camy	Bell Bradford	Edwards	M'Vay of Law.	Walthall
Merriwether	Barclay	Exum	Martin	Whitfield—57

James I. Thornton having received a majority of votes, Mr. Speaker therefore declared him duly elected Secretary of State for the next ensuing two years.

Both houses then proceeded to the election of a Comptroller of Public Accounts: Samuel Pickens alone being in nomination. For Samuel Pickens 77 votes.

Those who voted for Mr. Pickens are

Mr. President	Miller	Barclay	Fluker	Massey
Abercrombie	Powell	Crenshaw	Greening	Perkins
Ashe	Skinner	Craig	Coe	Heard
Bagby	Sullivan	Coopwood	Harris	Pickens
Barton	Vanhoose	Coleman	Johnson	Parham
Brown	of the Sen. 20	Davis of Fr.	Jones	Perry
Casey	Mr. Speaker	Davis of Ja.	Lawler	Powell
Clay	Acklen	Dale	Lewis	Ross
Crabb	Benson	Dennis	m'Clung	Rhodes
Gaines	Bridges	Dupuy	montgomery	Smith of Hen.
Jackson	Bailey	Dubose	moore of mad.	Smith of La.
Irwin	Brown	Duke	moore of Ja.	Sims
Jones	Broadnax	Edmondson	m'Vay of Laud.	Terry
m'Camy	Bell	Ellis	m'Vay of Law.	Williams
merrithew	Bradford	Exum	martin	Weissenger
				Walthall
				Whitfield—57

Samuel Pickens having received a majority of votes, Mr. Speaker therefore declared him duly elected Comptroller of Public Accounts for the next ensuing twelve months.

Both houses then proceeded to the election of a State Treasurer:—Jon C. Perry alone being in nomination. For John C. Perry 77 votes.

Those who voted for Mr. Perry are, Mr. President, Abercrombie, Ashe, Bagby, Barton, Brown, Casey, Clay, Crabb, Gaines, Jackson, Irwin, Jones, m'Camy, merrithew, Miller, Powell, Skinner, Sullivan, Vanhoose, of the sen—20. Mr. Speaker, Acklen, Benson, Bridges, Bailey, Brown, Broadnax, Bell, Bradford, Barclay, Crenshaw, Craig, Coe, Coopwood, Coleman, Davis of Fr., Davis of Ja., Dale, Dennis, Dupuy, Dubose, Duke, Edmondson, Ellis, Edwards, Exum, Fluker, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, m'Clung, montgomery, moore of mad., moore of Jack., m'Vay of Laud., m'Vay of Law., martin, Massey, Perkins, Pickens, Parham, Perry, Powell, Ross, Rhodes, Smith of Hen., Smith of La., Sims, Terry, Williams, Weissenger, Walthall, Whitfield—57.

John C. Perry having received a majority of votes, Mr. Speaker therefore declared him duly elected State Treasurer for the next ensuing twelve months. And then the Senate withdrew.

Mr. Craig obtained leave to introduce a bill to be entitled an act to amend the charter of the Bank of the State of Alabama; which was read a first time, and ordered to be read a second time.

Ordered, that Mr. Lawler be added to the committee on schools, colleges and universities, and school and university lands.

Mr. Dubose obtained leave to introduce a bill to be entitled an act to provide for the payment of petit jurors; which was read a first time, and ordered to be read a second time.

And then the House adjourned till to-morrow morning 10 o'clock.

Thursday, November 30, 1826.

The House met pursuant to adjournment.

Mr. Dennis presented the petition of sundry inhabitants of Dale county, praying the passage of a law to authorize them to hold an election for one or more justices of the peace and militia officers, and to form a Captain's beat; which was read, and referred to a select committee, consisting of Messrs. Dennis, Smith of Henry and Benson.

Mr. Perry presented the petition of the inhabitants of township ten, range fifteen, of the county of Butler, praying the passage of a law to

authorize the sale of the sixteenth section in said township; which was read, and referred to the committee on schools, colleges and universities, and school and university lands.

Mr. Terry presented a preamble and resolutions in relation to the extinguishment of the Indian claim to the lands within the limits of this state; which was read, and referred to a select committee, consisting of Messrs. Lewis, Benson, Bailey, McClung, Moore of Mad. Pickins and Craig.

Mr. Edwards presented the petition of sundry inhabitants of Monroe county, praying the passage of a law to establish a ferry at what is now called Sizemore's ferry, on the Alabama river, opposite the lands of Wm. F. Ward; which was read, and referred to a select committee, consisting of Messrs. Edwards, Dale, Bridges and Harris.

Mr. Heard, from the committee on divorce and alimony, to which was referred the records and proceedings of the circuit court of Tuscaloosa county, exercising chancery jurisdiction, in the case of William Bryant against Rhodney Bryant for divorce, reported a bill to be entitled an act to divorce William Bryant from Rhodney Bryant; which was read a first time, and ordered to be read a second time.

Mr. Heard, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Dallas county, exercising chancery jurisdiction, together with the record and proceedings of the supreme court in said case, reported a bill to be entitled an act to divorce Olivia A. Taylor from John Taylor; which was read a first time, and ordered to be read a second time.

Mr. Perkins, from the committee on propositions and grievances, to which was referred the petition of Mary Latham, reported a bill to be entitled an act for the relief of Mary Latham; which was read a first time, and ordered to be read a second time.

Mr. McVay of Law, from the select committee to which was referred a bill to be entitled an act more effectually to secure the compensation allowed by law to jurors therein named, reported the same with sundry amendments. *Ordered*, that said bill be recommitted to the same committee.

Mr. Cox, from the select committee to which was referred the petition of Daniel J. McAllister and Rebecca McAllister, reported a bill to be entitled an act authorizing the administrator of William McAllister, deceased, to transfer a certificate therein named; which was read a first time, and ordered to be read a second time.

Mr. Parham, from the select committee to which was referred the petition of Benjamin F. Perry, reported a bill to be entitled an act authorizing Benjamin F. Perry to emancipate a certain slave therein named; which was read a first time, and ordered to be read a second time.

Mr. Greening, from the select committee to which was referred so much of the Governor's message as relates to the decease of the ex-presidents of the United States, Thomas Jefferson and John Adams, reported the following resolution: *Resolved*, That a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to take into consideration so much of the Governor's message as relates to the decease of the ex-presidents of the United States, Thomas Jefferson and John Adams, and that the said committee be authorized to make such arrangements as will enable



the General Assembly of Alabama to express fully their sense of the distinguished services of the late Presidents. Which resolution was adopted. Whereupon Messrs. Greening, Moore of Jack. Smith of La. Duke, Ellis and Rhodes were appointed said committee.

On motion of Mr. Weissenger, *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of so altering the present revenue law as to require every waggon engaged in the business of a pedlar to pay a separate license.

Mr. M'Vay of Land. obtained leave to introduce a bill to be entitled an act more effectually to prevent breaches of the peace; which was read a first time, and ordered to be read a second time.

Mr. Weissenger obtained leave to introduce a bill to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue of Perry county to appoint some person to transcribe a certain part of the records of the county court of said county; which was read a first time, and ordered to be read a second time.

A resolution to abolish the present county court system, and to vest the powers now exercised by said court, in relation to orphan's business, in a court of ordinary, was taken up, and the question being put, shall this resolution be adopted? it was determined in the negative. Yeas 24, nays 35.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Coleman	Fluker	Martin	Ross
Acklen	Dennis	Greening	Mussey	Smith of Hen.
Benson	Dubose	Lewis	Neill	Terry
Broadnax	Duke	Montgomery	Perkins	Whitfield—24
Bradyford	Edwards	Moore of Jac.	Parham	

Those who voted in the negative are

Mr. Ambrister	Coe	Ellis	McClung	Powell
Bailey	Cooper	Exum	Moore of Mail.	Rhodes
Brown	Davis of Fr.	Heard	M'Vay of Lau.	Smith of La.
Bell	Davis of Ja.	Harris	M'Vay of Law.	Sims
Barclay	Dale	Johnson	Mead	Williams
Crenshaw	Dupuy	Jones	Pickens	Weissenger
Craig	Edmondson	Lawler	Perry	Walthall—35

On motion of Mr. Moore of Mad. *Resolved*, that the judiciary committee be instructed to inquire into the expediency of amending and remedying the defects in the attachment laws of this state, with leave to report by bill or otherwise.

On motion of Mr. Terry, *Ordered*, that the documents accompanying the Governor's message in relation to the dividing line between this state and the state of Georgia, be referred to the select committee to which that part of the message was referred to on that subject.

A bill to be entitled an act to amend the charter of the Bank of the State of Alabama, was referred to a select committee, consisting of messrs. Greening, Craig, Lewis and Crenshaw.

A bill to be entitled an act to provide for the payment of petit jurors was referred to a select committee, consisting of messrs. Crenshaw, McClung and Mead.

A report and resolution of the state of Mississippi on the resolutions from the states of Delaware, Connecticut, Illinois, Indiana, Ohio, and New-Jersey, in relation to the emancipation of slaves, an accompanying

document to the Governor's message, was referred to a select committee, consisting of Messrs. Lewis, Weissinger and M'Clung.

Resolutions of the state of Indiana disapproving of resolutions of the state of Tennessee, relating to the election of President and Vice President, and the appointment to office of members of Congress, an accompanying document to the Governor's message, was referred to a select committee, consisting of Messrs. Moore of Jack. Johnson, Ellis, Perkins and Mead.

A resolution of the state of Louisiana approving the resolution of the state of Georgia, respecting the importation or ingress of people of color into any of the states, an accompanying document to the Governor's message, was read and referred to a select committee, consisting of Messrs. Lewis, Weissinger and M'Clung.

Resolutions of the state of Vermont on the subject of the importation of persons of color into the several states, and on the subject of slavery in the United States, an accompanying document to the Governor's message, was read, and referred to a select committee, consisting of Messrs. M'Clung, Weissinger, Heard, Walthall and M'Vay of Land.

A resolution of the General Assembly of the state of Louisiana, disapproving of the resolution of the General Assembly of Ohio, proposing a plan for the gradual emancipation of slaves, an accompanying document to the Governor's message, was read, and referred to a select committee, consisting of Messrs. M'Clung, Weissinger, Heard, Walthall and M'Vay of Land.

Resolution of the state of Maine, disapproving of the amendment of the constitution of the United States proposed by the state of Tennessee, an accompanying document to the Governor's message, was read, and referred to a select committee, consisting of Messrs. Moore of Ja. Johnson, Ellis, Perkins and Mead.

Engrossed bills of the following titles, to wit: an act to amend an act entitled an act, to amend the act, entitled an act, concerning wills and testaments, the settlement of intestate estates, and the duty of executors, administrators and guardians; an act to provide for the taking of the census of this state; an act to change the names and render legitimate certain persons therein named; and an act to repeal in part an act entitled an act authorizing William Blake to emancipate a negro man slave named Jacob, passed Dec. 31st, 1823; were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from his Excellency the Governor by James I. Thornton, Secretary of State. And then he withdrew. Said message is as follows:

EXECUTIVE DEPARTMENT, Nov. 29th, 1826.

*The Hon. the Speaker and members of the House of Representatives:*

Gentlemen—I have the honor to lay before you communications from Colonel Bradford of Madison county, and from the officers of the Tusculum Hickory Volunteers, applying for a number of stand of the public arms. Similar applications, in a less formal manner, have been received by the Executive from various other quarters. The General Assembly will justly appreciate the motives of public spirit and patriotism which would induce individuals to assume great private responsibility for the public benefit. The humidity, and perhaps other circumstances, incident to our climate, render it very difficult to keep the arms in the arsenal in a perfect state of preservation. I beg leave to suggest that the public arms might be placed in the hands of the militia officers, under suitable

provisions for their return and safe keeping; and thus contribute to the discipline and contingent defence of the state. It is believed that regulations in this respect, sufficiently safe and convenient, may be devised. The complete equipment of such volunteer corps as our present means may permit, will serve as a pattern and incentive to other militia companies, until they also can receive similar attention.

I beg leave also to lay before you a communication from Mr Rembrandt Peale, of the city of New-York, offering to the State of Alabama a copy of a Portrait of General Washington, taken by himself from the life.

I have the honor to be, most respectfully, your obedient,

(Signed)

JOHN MURPHY.

Ordered, That so much of said message as relates to the militia of this state, and distribution of the arms in the arsenal, be referred to the military committee; and that so much thereof as relates to the communication of Rembrandt Peale, an artist of the city of New-York, offering to the State of Alabama a copy of a Portrait of General Washington, taken by himself from the life, be referred to a select committee. Whereupon messrs. Moore of Mad. Benson and Terry were appointed said committee.

Bills of the following titles, to wit: an act to alter the state road from Selma to Cahawba, by way of the new bridge on Valley creek; an act to establish a certain road therein designated; an act to emancipate certain slaves therein named; were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act explanatory of an act entitled an act to provide for the election of justices of the peace, passed Dec. 31st, 1822, was referred to a select committee, consisting of messrs. Powell, Mead and Bell.

Engrossed bill from the Senate, entitled an act to provide for an extra term of the circuit court in Mobile and Baldwin counties, was read a second time; and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

On motion of Mr. Mead, Resolved, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of so amending the road laws as to provide a more summary mode for trying delinquent overseers and persons subject to work on roads.

On motion of Mr. Coleman, Resolved, That the committee on ways and means be instructed to inquire into the expediency of so amending and altering the revenue law, that the tax on merchandize shall be assessed and levied on the original invoice prices or prime cost of goods purchased in each and every year.

And then the House adjourned till to-morrow morning 10 o'clock.

Friday, December 1, 1826.

The House met pursuant to adjournment.

Mr. Powell presented the record and proceedings of the circuit court of Limestone county, exercising chancery jurisdiction, in the case of Kelly Steagall against Nancy Steagall, for divorce; which was read, and referred to the committee on divorce and alimony.

Mr. Wallhall presented sundry accounts from the citizens of Perry county; which were severally read, and referred to the committee on accounts.

Mr. Mead, from the committee on county boundaries, to which was



referred the petition of sundry citizens of Walker county, praying to be attached to Lawrence County, reported that it is inexpedient to pass any law on that subject at this time. In which report the House concurred.

Mr. Perkins, from the committee on propositions and grievances, to which was referred the petition of Thomas H. Douglass, reported a bill to be entitled an act authorizing Thomas H. Douglass to retail spirituous liquors within the county of Lawrence; which was read a first time, and ordered to be read a second time.

Mr. Moore of Mad. from the committee on schools, colleges and universities, and school and university lands, to which was referred the petition of sundry citizens of the county of Blount, in relation to the sixteenth section in township numbered eleven, range numbered two, west of the basis meridian of Huntsville, reported that it is inexpedient to legislate on the subject. Mr. Mead moved that said report lie on the table; which was agreed to.

Mr. Moore of Mad. from the committee on schools, colleges and universities, and school and university lands, to which was referred the petition of the citizens of the first township, in range numbered eleven, west of the basis meridian of Huntsville, reported that it is inexpedient to grant the prayer of the petitioners. Mr. McVay of Land. moved that said report lie on the table; which was agreed to.

Mr. Davis of Fr. from the military committee, to which was referred the Digest of the militia and patrol laws of this state, reported a bill to be entitled an act to establish the military and patrol laws of this state; as digested by Thomas W. Farrar, and for printing and distributing the same; which was read a first time, and ordered to be read a second time.

Mr. Davis of Fr. from the military committee, to which was referred a Digest of the militia and patrol laws of this state, reported a bill to be entitled an act to make an appropriation for digesting and revising the militia and patrol laws of this state; which was read a first time, and ordered to be read a second time.

Mr. Davis of Fr. from the military committee, to which was referred the petition of Joel D. Harris, Ellis Grigg and John A. Wier, reported a bill to be entitled an act to incorporate the Moulton Troop of Cavalry of Lawrence county; which was read a first time, and ordered to be read a second time.

Mr. Montgomery, from the committee on roads, bridges and ferries; to which was referred the petition of sundry inhabitants of Mobile county, reported a bill to be entitled an act to amend act, entitled an act concerning roads, highways, bridges and ferries in the county of Mobile; which was read a first time, and ordered to be read a second time.

Mr. Greening, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of amending the usury law so that the principal in all cases of loan may be recovered, reported that it is inexpedient to legislate on the subject. Ordered, that said report lie on the table.

Mr. Greening, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of authorizing defendants in all cases to plead a partial failure of consideration, reported a bill to be entitled an act to permit defendants in all cases to



plead a partial failure of consideration; which was read a first time, and ordered to be read a second time.

Mr. Greening, from the judiciary committee, to which was referred a resolution instructing them to inquire whether it be not expedient so to alter the existing law as to make good the service of writs and warrants by leaving copies thereof at the residence of defendants in certain cases, reported a bill to be entitled an act amendatory of an act, prescribing the mode of executing original process; which was read a first time, and ordered to be read a second time.

Mr. Greening, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of requiring sheriffs, in the sale of lands or negroes, to advertise such sale or sales in some newspaper, reported that it is inexpedient to legislate on the subject. Ordered, that the House disagree to the report.

Mr. Greening moved to recommit the same to the same committee, with instructions to report a bill; which was agreed to.

Mr. Greening, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of allowing defendants ten days notice, in all suits before justices of the peace, reported a bill to be entitled an act to repeal in part and amend an act concerning the execution of justices' warrants; which was read a first time, and ordered to be read a second time.

Mr. Greening, from the judiciary committee, to which was referred a bill to be entitled an act concerning appeals from the county to the circuit courts, and for other purposes, reported a substitute in lieu thereof.

Mr. Lewis moved to recommit the bill to the committee, with instructions to retain the second section; which was lost. Ordered, that the House concur with the report of the committee by striking out the first section. The House disagree to the amendment by striking out the second in said bill. Ordered, that the bill be recommitted to the judiciary committee.

The judiciary committee, to which was referred a bill to be entitled an act to authorize the administratrix of John Bowie, deceased, to sell certain real estate, reported the same without amendment. Said bill was then read a second time, and ordered to be engrossed for a third reading.

Mr. Greening, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of associating the justices of the peace with the judges of the county court of the different counties, in the discharge of the duties now required to be performed by the judges of the county courts, in conjunction with the commissioners of roads and revenue, reported that it is inexpedient to legislate on the subject. Ordered, that said report lie on the table.

Mr. Greening, from the judiciary committee, to which was referred a bill to be entitled an act to authorize solicitors to swear witnesses to send to the grand jury, reported the same with an amendment. In which report the House concurred.

Mr. Greening, from the judiciary committee, to which was referred so much of the Governor's message as relates to the improvement of the judiciary system, reported a bill to be entitled an act to establish a Supreme Court, and a Court of Chancery; which was read a first time, and ordered to be read a second time on Monday next.

Mr. Petkins, from the committee on propositions and grievances, to

which was referred the petition of Pleasant May, Jun. guardian of Thaker Vivion, reported a bill to be entitled an act to authorize Pleasant May, Jr. guardian of the person and property of Thaker Vivion, a minor, to remove the property of said minor from the county of Washington to the county of Greene; which was read a first time, and ordered to be read a second time.

Mr. Greening, from the select committee to which was referred a bill to be entitled an act to alter the mode of appointing assessors and tax collectors, reported a substitute in lieu thereof.

Mr. Crenshaw, from the select committee to which was referred a bill to alter the law now in force respecting the mode of compensating petit jurors, reported the same with sundry amendments. In which report the House concurred.

Mr. M'Vay of Law, from the select committee to which was referred a bill to be entitled an act more effectually to secure the compensation allowed by law to jurors therein mentioned, reported the same without amendment.

Mr. Perkins moved to amend the 1st section of the bill by inserting the word "Tuscaloosa" after the word Lauderdale. Carried.

Mr. M'Vay of Law, moved to insert the word Lawrence, after the word Tuscaloosa; which was carried.

Mr. Duke moved to insert the word Marion, after the word Lawrence; which was carried.

Mr. Coopwood moved to amend the third section by striking out the word three, and inserting the word two; and the word week in their respective counties; which was carried.

*Ordered*, That said bill be referred to a select committee. Whereupon Messrs. Perkins, M'Vay of Law, Craig and Mead were appointed said committee.

Mr. Crenshaw obtained leave to introduce a bill to be entitled an act concerning state roads; which was read a first time, and ordered to be read a second time.

Mr. Barclay obtained leave to introduce a bill to be entitled an act to compensate witnesses attending magistrates' courts; which was read a first time, and ordered to be read a second time.

Mr. Ellis obtained leave to introduce a bill to be entitled an act to incorporate the City of Tuscaloosa, and to repeal an act incorporating the Town of Tuscaloosa, passed the 13th December, 1819; which was read a first time, and ordered to be read a second time.

Mr. Socker laid before the House a communication from Andrew Pickens, President of the Bank of the State of Alabama. Said communication is as follows:

*Bank of the State of Alabama, 1st December, 1826.*

To the Speaker of the House of Representatives:

SIR—Having long since determined to withdraw at a suitable time from the situation which I now occupy, I beg leave, through you, to make known to the House, over which you preside, that I do not wish any longer to be considered a candidate for the office of President of this Bank. For reasons very obvious, I think it my duty now to make known this my determination.

I will take this opportunity of expressing the deep sense of obligation which I feel for the repeated manifestations of partiality and confidence, at first without my knowledge, and always without my solicitation, which have been exhibited

towards me by the General Assembly. It is my most anxious wish, that a successor may be selected more competent, and equally desirous, to discharge the important trusts confided to him, with fidelity and impartiality.

Accept, Sir, assurances of respectful consideration.

(Signed)

ANDREW PICKENS.

Which said communication was ordered to lie on the table.

Mr. Broadnax obtained leave to introduce a bill to be entitled an act to amend an act to establish the Bank of the State of Alabama, approved Dec. 20th, 1823; which was read a first time, and ordered to be read a second time.

On motion of Mr. Davis of Fr. *Resolved*, That the judiciary committee be instructed to inquire into the expediency of compelling plaintiffs in all cases, at the commencement of any suit by them, to consolidate all their claims which they may have against the defendant or defendants of the same nature, at the time of commencing their action.

Mr. Terry obtained leave to introduce a resolution instructing our Senators in Congress, and requesting our Representatives, to use their endeavors to obtain the passage of a law extending to the members of the State Legislatures the privilege of franking letters, papers and documents, and also of receiving by mail all letters, papers and documents to them directed, free from postage, during their attendance on the sessions of their respective legislatures; which was read a first time, and ordered to be read a second time.

On motion of Mr. Moore of Mad. *Resolved*, That the committee on propositions and grievances be instructed to inquire into the expediency of so amending the existing laws of this state relating to the maintenance of the poor, as will lessen the expenses, and secure more fully their comfortable subsistence, with leave to report by bill or otherwise.

On motion of Mr. M'Vay of Law. *Resolved*, that the judiciary committee be instructed to inquire into the expediency of reducing the rate of interest allowed by law in this state, with leave to report by bill or otherwise.

On motion of Mr. Ross, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing some certain punishment for slaves who may be convicted of manslaughter on slaves; also of amending the criminal laws of this state in the trial of capital cases, by curtailing the number of challenges without cause; also to report whether it be expedient to authorize the Judges of the several Circuit Courts to change the venue in capital cases on the application of the State.

And then the House adjourned till 3 o'clock this evening.

*Evening Session, 3 o'clock.*

The House met pursuant to adjournment.

A message from the Senate by Mr. Lyon their secretary:

*Mr. Speaker*: The Senate have read three times and passed bills which originated in the House of Representatives, entitled an act to incorporate the town of Decatur, in Morgan county; and an act to incorporate the Trustees of Greenville Academy, in Butler county.

The Speaker laid before the House a communication of the Secretary of State; which was read. *Ordered*, that said communication, together with the accompanying documents, be referred to a select com-

mittee. Whereupon messrs. Coleman, Crenshaw, Weissenger and Ellis were appointed said committee.

On motion of Mr. Moore of Jack. *Resolved*, That a standing committee on the State Bank be appointed. Whereupon messrs. Moore of Jack, Ellis, Pickens, Moore of Mad. and Ross were appointed said committee.

The Speaker laid before the House a communication from the Comptroller of Public Accounts, which was read. Ordered, that said communication, with the accompanying documents, be referred to the committee on accounts.

Mr. Coopwood offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of reducing the fees of clerks of the circuit and county courts of this state, with leave to report by bill or otherwise; which was lost.

On motion of Mr. Moore of Jack. *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of passing a law compelling the incorporated Banks within this state to make an exhibit, during the first week of each and every session of the General Assembly, the amount of bills emitted, the amount of deposits, and cash on hand.

Bills of the following titles, to wit: an act authorizing Benjamin F. Perry to emancipate a certain slave therein named; an act authorizing the administrator of William M'Alister, deceased, to transfer a certificate therein named; an act to divorce William Bryant from Rhodicy Bryant; an act to divorce Olivia A. Taylor from John Taylor; and an act for the relief of Mary Latham, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue of Perry county to appoint some person to transcribe a certain part of the records of the county court of said county, was referred to a select committee, consisting of messrs. Weissenger, Parham and Mead.

A bill to be entitled an act more effectually to prevent breaches of the peace, was referred to the judiciary committee.

Engrossed bill to be entitled an act to establish a certain road therein designated, was referred to a select committee, consisting of messrs. Bridges, Walthall and Greening.

Engrossed bills of the following titles, to wit: an act to alter the state road from Selma to Cahawba, by way of the new bridge on Valley creek; and an act to emancipate certain slaves therein named, were severally read a third time and passed. Ordered, that the titles be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Moore of Jack. obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to establish a permanent seat of justice in the county of Jackson, and for other purposes; which was read a first time, and ordered to be read a second time.

Mr. Ellis obtained leave to introduce a bill to be entitled an act authorizing certain claims against the state, as well as certificates of state witnesses, to be received in discharge of fines and forfeitures; which was read a first time, and ordered to be read a second time.

Mr. Edwards obtained leave to introduce a bill to be entitled an act



to incorporate a body of Free-masons at Claiborne, in Monroe county; which was read a first time, and ordered to be read a second time.

On motion of Mr. Ellis, *Resolved*, That the military committee be stru<sup>ct</sup>ured to inquire into the expediency of allowing appeals to the county or circuit courts, from the decision of courts martial inflicting fines and penalties.

And then the House adjourned till to-morrow morning 10 o'clock.

*Saturday, December 2, 1826.*

The House met pursuant to adjournment.

Mr. Davis of Fr. from the military committee, to which was referred the petition of sundry inhabitants of Marion county, reported a bill to be entitled an act to form a company of militia in Kennedy's settlement, in Marion county; which was read a first time, and ordered to be read a second time.

Mr. Davis of Fr. from the military committee, to which was referred the petition of sundry citizens of Pike county to divide the 42d regiment of the militia of this state, reported a bill to be entitled an act to divide the 42d regiment of the militia of this state; which was read a first time, and ordered to be read a second time.

Mr. Dale, from the select committee to which was referred the petition of Romeo Andre, reported a bill to be entitled an act to authorize Romeo Andre to emancipate certain slaves therein named; which was read a first time, and ordered to be read a second time.

Mr. Ross, from the committee on accounts, to which was referred the account of John Murphy, claiming compensation for his attendance as a witness on the part of the state in the circuit court of Butler county, September, 1826, reported that said account is legally chargeable upon the county treasury; and beg leave to be discharged from the further consideration thereof: which was agreed to.

Mr. Ross, from the committee on accounts, to which was referred the account of Wm. D. Hart, claiming compensation for services rendered as bailiff of the circuit court of Lawrence county, at the July term, 1823, reported that said account is legally chargeable upon the county treasury; and ask leave to be discharged from the further consideration thereof: which is granted.

Mr. Ross, from the committee on accounts, to which was referred the account of William Jones, for expenses in carrying William D. Mitchell from Moulton to Bellefont, pursuant to an order of court made in Moulton, reported that it does not appear, in the first place, what court made the order referred to by Jones in his account; secondly, that the said account is not legally authenticated and certified, and thereby that, according to law, the said account, if correct, is payable out of the county treasury of the proper county in which the offence was committed. For these reasons, your committee are of the opinion that the said account ought not to be allowed; and ask leave to be discharged from the further consideration of the same: which was granted.

Mr. Ross, from the committee on accounts, to which was referred the account of E. Pharr, sheriff of Wilcox county, for keeping Jesse Tidd in the jail of Wilcox county, reported that the account is chargeable upon the state treasury, but inasmuch as the same is not authenticated according to the mode prescribed by law, ought not to be allowed; and

ask leave to be discharged from the further consideration of the which was granted.

Mr. Ross, from the committee on accounts, to which was referred accounts of Sarah Mullin, John Murphry, and William Murphry, asking compensation for attendance in the circuit court of Conecuh as witnesses in behalf of the state, reported that the aforesaid accounts are legally chargeable upon the county treasury; and ask leave discharged from the further consideration thereof: which was granted.

Mr. Ross, from the committee on accounts, to which was referred account of John Gillies, jailor of Conecuh county, for the sustenance of prisoners in the jail of said county of Conecuh, reported that the account is not legally certified; that it does not appear that the persons mentioned in said account were committed for any criminal or semi-criminal offences; that it appears to your committee that some of the persons committed were slaves, and that it does not appear that the said slaves were committed for offences which would subject them to the payment of their sustenance. For the foregoing reasons your Committee are of the opinion that the said account ought not to be allowed; and ask leave to be discharged from the further consideration of the same: which was granted.

Mr. Weissenger, from the select committee to which was referred a bill to be entitled an act to authorize the Judge of the County Court and Commissioners of roads and revenue, of Perry county, to appoint some suitable person to transcribe certain parts of the records of the County Court aforesaid, reported a substitute in lieu thereof. In his report the House concurred. Said bill was then read a second time, and ordered to be engrossed for a third reading.

Mr. Greening, from the select committee to which was referred a petition of Thomas Lloyd, praying the emancipation of a certain slave therein named, reported a bill to be entitled an act to emancipate the slave therein named; which was read a first time, and ordered to be read a second time.

Mr. McVay of Land, obtained leave to introduce a bill to be entitled an act better to provide for leasing the sixteenth section therein named, which was read a first time, and ordered to be read a second time.

Mr. Williams obtained leave to introduce a bill to be entitled an act to amend the usury law; which was read a first time, and ordered to be read a second time.

Mr. Ross, from the select committee to which was referred the petition of sundry inhabitants of the City and County of Mobile, reported to be entitled an act supplementary to the several acts heretofore passed in relation to the County Court for the County of Mobile, and for other purposes; which was read a first time, and ordered to be read a second time.

On motion of Mr. Massey, *Resolved*, That the military committee be instructed to inquire into the expediency of passing a special act to reorganize the 12th regiment, 3d brigade Alabama militia being divided into three battallions; the first to be commanded by a Lieutenant Colonel, the second and third to be commanded by first and second Majors.

Mr. Coopwood offered the following preamble and resolution:

Whereas it is important to the people of this state that they know whether or not the debts due the Bank are well secured—

*Be it therefore Resolved*, That the bank committee be instructed to inquire into the expediency of so amending the act entitled an act to amend the charter of the Bank of the State of Alabama, passed the 2d day of Jan. 1826, as to make it the duty of the committee elected by the authority of said act, to send for the members from the different counties, and examine them apart from any others in regard to the probability or insolvency of the debtors to the Bank in their respective counties, with leave to report by bill or otherwise; which was ordered.

Mr. Lewis, from the select committee to which was referred the communication of his Excellency the Governor of the state of Louisiana, enclosing resolutions from the General Assembly of the state of Louisiana, approving of an amendment of the constitution of the United States proposed by the General Assembly of the state of Georgia, dated the 22d day of Dec. 1823, reported sundry resolutions. In this report the House concurred.

bill to be entitled an act amendatory of an act prescribing the mode of executing original process—

Mr. Smith of Land. offered the following amendment to the motion: "but no notice shall be deemed sufficient without proof being made to court that the defendant had information of the same;" which was lost.

Mr. Dubose offered an amendment by way of proviso; which was

It was then read a second time, and ordered to be engrossed for a third reading.

A message from the Senate by Mr. Crabb, their assistant secretary—Mr. Speaker—The Senate have read three times and passed, which originated with your honorable body, of the following titles to wit: an act for the relief of Zephaniah Hicks; and, an act to amend certain parts of the Choctawhatchee and Pea rivers public laws. And then he withdrew.

Terry obtained leave to introduce a bill to be entitled an act to establish an additional election precinct in the county of Autauga; which was read a first time, and ordered to be read a second time.

A bill to be entitled an act to authorize solicitors to swear witnesses and to the grand jury, was laid on the table.

A list of the following titles, to wit: an act to repeal in part, and amend an act concerning the execution of justices' warrants; an act to permit defendants in all cases to plead a partial failure of consideration; an act to incorporate the Moulton Troop of Cavalry of Lawton county; and, an act to make an appropriation for digesting and revising the militia and patrol laws of this state, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to amend an act, entitled an act concerning roads, highways, bridges and ferries in the county of Mobile, which being on its second reading—

Mead moved to amend the first section by inserting the words "and sum" after the word dollars; which was carried. Ordered, that the same be referred to the committee on roads, bridges & ferries.

A bill to be entitled an act to establish the military of this state, as digested by Thomas W. Farrar, and for distributing the same, being on its second reading—

Mr. Ross moved to amend the 4th section by striking "regiment," and insert in lieu thereof the word "battall" was carried.

Mr. Johnson moved to amend the same section by inserting words "or his first superior officer," after the word *battalia* was carried.

Mr. Mead moved a reconsideration of the vote taken on son's amendment, with a view to strike out the word "first," insert in lieu thereof the word "next;" which was carried.

Mr. Mead then moved to strike out the word "first," and in lieu thereof the word "next;" a division of the question being for, the vote was first taken on striking out, which was carried.

Mr. Massey offered the following amendment: "on failure he shall forfeit and pay the sum of five dollars, to be recovered any justice of the peace in whose beat such failure shall take place" which was adopted.

Mr. Mead moved to amend the amendment by inserting the word "do," the words "in one month after his resignation shall be" which was carried. *Ordered*, That the same be referred to the military committee, to consider and report thereon.

A bill to be entitled an act authorizing Thomas H. Doak to retail spiritous liquors within the county of Lawrence, being on its second reading—Mr M'Clung moved to amend the same by inserting a proviso, which was carried. Mr. Harris moved that the same be laid on the table till the first day of June next, which was lost. Mr. Mead moved to amend the proviso by inserting the words "at all times," after the word "county," which was carried. Mr. Mad. moved that the further consideration of the same be laid on the table till Monday next; which was agreed to.

A bill to be entitled an act concerning state roads, being on its second reading, was referred to a select committee, consisting of Crenshaw, Ellis and Moore of Jack.

A bill to be entitled an act to authorize Pleasant May, guardian of the person & property of Thaker Vivion, a minor, to remove the property of said minor from the county of Washington to the county of Greene, was recommitted to the judiciary committee.

Bills of the following titles, to wit: an act to compensate attending magistrates courts; and an act to incorporate free-masons at Claiborne, in Monroe county, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to amend an act to establish the State of Alabama, approved Dec. 20th, 1823, was referred to the committee on the State Bank.

A bill to be entitled an act to amend an act entitled an act to establish a permanent seat of justice in the county of Jackson



proposed, was referred to a select committee, consisting of Moore of Jack, Barclay and Acklen.

Resolved, That Mr. Massey be added to the military committee.

Motion of Mr. Greening, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a general act to authorize the removal of property belonging to estates from one county to another, and the transfer of all accounts and vouchers relating to such estates to the County Court of the county to which property may be removed.

Bill to be entitled an act authorizing certain claims against the State, as well as certificates of state witnesses, to be received in discharge of fines and forfeitures, was referred to the judiciary committee. Resolution instructing our Senators in Congress, and requesting our representatives, to use their endeavors to obtain the passage of a bill entitling to the members of the state legislatures the privilege of receiving letters, papers and documents, and also of receiving by mail letters, papers and documents to them directed, free from postage, and their attendance on the sessions of their respective legislatures, read a second time, and the question being put, shall this resolution be passed and read a third time? it was determined in the negative.

Motion of Mr. Harris, *Resolved*, That the judiciary committee be instructed to inquire into the expediency and constitutionality of prohibiting by law any person from carrying a dirk, pistol, or any assassin like weapon.

M<sup>r</sup> Vay of Law. offered the following resolution :

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law, requiring that when property is executed by virtue of an execution, that the officer who issued the execution, if required by the defendant in the execution, shall have said property valued by two respectable citizens, of the county wherein he resides, by whom such property shall be valued, and the plaintiff shall take said property at two thirds of such valuation; or in case he refuse to take property at such valuation, in discharge of the execution, then in that case the defendant in such execution shall have a stay of three months, by entering into bond with approved security for the full and punctual discharge of the same, with leave to report by return or otherwise. And the question being put, shall this resolution be adopted? it was determined in the negative—yeas 15, nays 43.

Yeas and nays being desired—those who voted in the affirmative are

Barbrister	Barclay	Dubose	Jones	Perry
Max	Coopwood	Edmondson	M <sup>r</sup> Vay of Law.	Powell
	Davis of Fr.	Heard	Mead	Terry—15

Those who voted in the negative are

Speaker	Craig	Coe	Exum	Moore of Mad.	Parham	Ross
W. H. R.	Coleman		Fluker	Moore of Jack.	Smith of Henry	
W. H. R.	Davis of Jack	Greening		M <sup>r</sup> Vay of Law.	Smith of La.	
W. H. R.	Dale	Dennis	Harris	Martin	Sims	
W. H. R.	Vipuy		Johnson	Massey	Williams	
W. H. R.	Duke		Lawler	Neill	Weissenger	
W. H. R.	Ellis		M <sup>r</sup> Clung	Ferkins	Walthall	
W. H. R.	Edwards		Montgomery	Pickens	Whitfield—43	

A bill to be entitled an act to alter the mode of appointors and tax collectors, and for other purposes—

Mr. Ross moved to strike out the second section, which Mr. Walthall moved to strike out the eighth section, which It was then read a second time, and ordered to be engrossed third reading.

Engrossed bills of the following titles, to wit: an act for the of Mary Latham; an act authorizing Sarah Bowie, administratrix of John Bowie, deceased, to sell and transfer certain real estate; an act authorizing Benjamin F. Perry to emancipate a certain therein named, were severally read a third time and passed.

*Ordered,* That the titles be as aforesaid. *Ordered,* that the bills be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to divorce Olivia A. Taylor from John Taylor, was laid on the table.

And then the House adjourned until Monday morning 10 o'clock  
*Monday, December 4th, 18*

The House met pursuant to adjournment.

Mr. McClung presented the petition of sundry merchants of the town of Huntsville, praying an alteration in the law for taxing merchants; which was read, and referred to the committee on ways and means.

Mr. Ross presented the account of Wm. D. Stone, late sheriff of Mobile county, as also the account of James P. Bates, sheriff of Baldwin county; which were severally read, and referred to the committee on accounts.

Mr. Moore of Madison presented the accounts of Fielding L. W. Saylor of Madison county; which were severally read, and referred to the committee on accounts.

Mr. Coe presented the petition of David Leach, praying the passage of a law to authorize him by will to manumit a certain therein named; which was read, and referred to the committee on propositions and grievances.

Mr. Acklen presented the account of Joseph Eastland, late of the Fifth Judicial Circuit; which was read, and referred to the committee on accounts.

Mr. Coe presented the petition of William Renneau, guardian of the estate of Wm. Murphy, deceased, praying the passage of a law to authorize him to have a deed recorded from John W. Lane said Wm. Murphy in his life time; which was read, and referred to the select committee, consisting of messrs. Coe, Smith of La. and

Mr. Dennis, from the select committee to which was referred the petition of sundry inhabitants of Dale county, reported a bill entitled an act to authorize the field officers of the 46th regiment to form a company of militia in Broxton's settlement; which was read a first time, and ordered to be read a second time.

Mr. Moore of Jackson, from the select committee to which was referred a bill to be entitled an act to amend an act entitled an act to establish a permanent seat of justice in the county of Jackson,

her purposes, reported the same with an amendment, by adding hereto an additional section; which was concurred in.

Mr. Powell, from the select committee to which was referred a bill he entitled an act explanatory of an act, entitled an act to provide for the election of justices of the peace and constables, passed Dec. 1822, reported the same with sundry amendments, by adding thereto three additional sections; which were concurred in.

The House then proceeded to the orders of the day.

Bills of the following titles, to wit: an act authorizing Thomas H. Glass to retail spiritous liquors within the county of Lawrence; an act supplementary to the several acts heretofore passed in relation to the County Court for the county of Mobile, and for other purposes; an act to emancipate certain slaves therein named; an act to disband the forty-second regiment of the militia of this state; a bill to be entitled an act to form a company of militia in Kennedy's settlement Marion county; were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize Romeo Andre to emancipate certain slaves therein named—

Mr. Harris moved to amend the bill by way of the following proviso: "Provided, that the said slaves, Froilzine, Seymore and Daniel shall remove out of this state after they arrive at the age of twenty years, and shall not return to reside therein: Provided also, that negroes shall be subject to the same laws, rules and regulations which all other slaves are subject, during their continuance in this state;" which was lost. Said bill was then read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to establish an additional election precinct in the county of Autauga, was referred to a select committee, at its second reading, consisting of messrs. Moore of Jack. Powell of Perry.

Mr. M'Vay of Law. from the select committee to which was referred a bill to be entitled an act more effectually to secure the compensation allowed by law to jurors therein mentioned, reported a substitute in lieu thereof. In which report the House concurred.

On the motion of Mr. Terry, *Resolved*, That the select committee, to which was referred the communication of the Secretary of State, with accompanying documents, be instructed to receive any additional offers of donations to the state, which the citizens of Tuscaloosa may be disposed to make, together with the conditions on which such donations are proposed to be made, and report the same to this House.

Mr. Broadnax, who voted in the majority on the adoption of Mr. Terry's resolution, moved a reconsideration of the vote taken on the adoption of the resolution; which was lost.

A bill to be entitled an act to amend the usury law, then being on its second reading—Mr. M'Vay of Law. moved to amend the bill by striking out the word "eight" in the first section, with a view to insert the word "six," which was lost. Mr. Weissenger then mo-

ved that the further consideration of said bill be indefinitely postponed; which was carried—Yeas 31, nays 28.

The yeas and nays being desired, those who voted in the affirmative are

Mr Speaker	Crenshaw	Fluker	Moore of Jac.	Parham
Acklen	Coe	Greening	M'Vay of Laud	Powell
Benson	Coopwood	Johnson	M'Vay of Law.	Smith of H
Bridges	Coleman	Jones	Lawler	Martin
Broadnax	Davis of Fr.	M'Clung	Massey	Terry
Bell	Dale	Edwards	Moore of Mad.	Pickens
				Weissenger
				Walthall—

Those who voted in the negative are

Mr Ambrister	Davis of Jack.	Ellis	Mead	Smith of L
Bailey	Dennis	Exum	Neill	Sims
Brown	Dupuy	Heard	Perkins	Williams
Bradford	Dubose	Harris	Perry	Whitfield-2
Barclay	Duke	Lewis	Ross	
Craig	Edmondson	Montgomery	Raney	

A bill to be entitled an act better to provide for leasing the tenth section therein named, was recommitted to a select committee consisting of messrs. Mead, M'Vay of Laud. and Moore of Mad.

Mr. Davis obtained leave to introduce a bill to be entitled an act to compel the judges of the county courts in the state of Alabama to transact all business relating to estates in vacation as well as in term time; which was read a first time, and ordered to be read a second time.

Ordered, that Mr. Terry be added to the committee appointed for the communication of the Secretary of State.

Ordered, that Mr. Benson be added to the committee on the Bank.

Engrossed bill to be entitled an act to make an appropriation for digesting and revising the militia and patrol laws of this state, authorized by the General Assembly at their last session, was laid on the table.

Engrossed bills of the following titles, to wit: an act to permit defendants in all cases to plead a partial failure of consideration; an act to incorporate the Moulton Troop of Cavalry of Lawrence county; an act to incorporate a body of free-masons at Claiborne Monroe county; and, an act to authorize the Judges of the County Courts and Commissioners of roads and revenue of Perry, Franklin and Blount counties, to appoint some suitable person to transcribe certain parts of the records of the County Courts aforesaid; were severally read a third time and passed. Ordered, that the titles be sent to the Senate for concurrence. Ordered, that the same be sent to the Senate for concurrence.

Engrossed bill to be entitled an act to repeal in part and amend an act concerning the execution of justices' warrants, was read a second time. Mr. Craig offered the following amendment by way of an engrossed rider: "Provided, that nothing in this act shall be construed to prevent the justices from trying the cause on a less notice than is required by law, by the consent of the parties litigant;" which was adopted.



d. *Ordered*, that the title be as aforesaid. *Ordered*, that the bill be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to compensate witnesses attending magistrate's courts was read a third time—

: M'Clung offered the following amendment by way of engrossed

: "Provided, that no witness shall be allowed any compensation

under this act, unless he resides more than three miles from the place

trial." Mr. Moore of Mad. moved to strike out the word three.—

Mead moved further to amend the proviso by inserting at the end

of the words "excepting incorporated towns," which was lost;

the question being taken on the adoption of Mr. M'Clung's

amendment, it was determined in the negative: and the question be-

put, shall this bill pass? it was determined in the affirmative—Yeas

nays 14.

The yeas and nays being desired, those who voted in the affirmative are

Speaker	Coe	Ellis	M'Clung	Powell
Allen	Coleman	Edwards	Montgomery	Raney
Benson	Davis of Ja.	Exum	Moore of Jac.	Smith of Hen.
Bridges	Davis of Fr.	Fluker	M'Vay of Lau	Smith of La.
Byrd	Dennis	Greening	Mead	Terry
Edmondson	Dupuy	Heard	Massey	Williams
	Dubose	Harris	Neill	Weissenger
Hay	Duke	Jones	Parham	Whitfield-44
Maig	Edmondson	Lewis	Perry	

Those who voted in the negative are

Mr. Brown	Coopwood	Moore of Mad.	Perkins	Sims
Madford	Dale	M'Vay of Law	Pickens	Walthall-14
Benshaw	Lawler	Martin	Ross	

*Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to alter the mode of appointing assessors and tax collectors, and for other purposes, was read a third time, and the question being put, shall this bill pass? it was determined in the affirmative—yeas 44, nays 14.

The yeas and nays being desired—those who voted in the affirmative are

Speaker	Craig	Dubose	Montgomery	Powell
Benson	Coe	Duke	Moore of Mad.	Raney
Bridges	Coopwood	Edwards	M'Vay of Lau	Smith of Hen.
Byrd	Coleman	Greening	M'Vay of Law	Smith of Lau.
Brown	Davis of Fr.	Heard	Martin	Terry
Edmondson	Davis of Ja.	Harris	Massey	Williams
Madford	Dale	Jones	Neill	Weissenger
Madford	Dennis	Lewis	Parham	Walthall-44
McClay	Dupuy	M'Clung	Perry	

Those who voted in the negative are

Mr. Acklen	Ellis	Lawler	Perkins	Sims
Benshaw	Exum	Moore of Jack.	Pickens	Whitfield-14
Edmondson	Fluker	Mead	Ross	

*Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned till to-morrow morning 10 o'clock.

*Tuesday, December 5, 1819*

**The House met pursuant to adjournment.**

Mr. Moore of Mad. presented the petition of the heirs and representatives of Levy Byram, deceased, praying the passage of a law to authorize them to sell certain real estate therein named; which was read, and referred to a select committee, consisting of Messrs. J. C. of Mad. M'Clung and Bradford.

Mr. Moore of Mad. presented the petition of sundry citizens in the third township in range numbered two, east, praying the passage of a law to license James Milican to live on the sixteenth section in said township, rent free, in consideration of causes therein mentioned; which was read, and referred to the committee on schools, colleges and universities, and school and university lands.

Mr. Coopwood presented the petition of sundry inhabitants of Monroe county, praying the passage of a law to authorize the President and Directors of the State Bank to set apart such sum of money as may be loaned on good security; which was read, and referred to the bank committee.

The Speaker laid before the House the records and proceedings of the Circuit Court of Madison county, exercising chancery jurisdiction, in the case of John Hamblin against Hannah Hamblin for divorce; which was read, and referred to the committee on divorce and alimony.

Mr. Davis, of Frank. from the military committee, to which was referred a bill to be entitled—an act to establish the military and patrol laws of this state as digested by Thomas W. Farrar, and for printing & distributing the same, reported the same with sundry amendments; which were concurred in.

Message from the senate by Mr. Crabb.

Mr. Speaker.—The Senate have read three times, and passed bills which originated in their house, entitled—an act to change the mode of paying juries in the several counties in this state: an act, to repeal in part an act, entitled an act, to establish the town of Carthage in Tuscaloosa county: and an act to repeal an act, passed on the 17th December, 1819, entitled “an act to regulate the rate of interest, and for other purposes;” in all of which they desire your concurrence.

They have also read three times, and passed, bills which originated in the House of Representatives entitled—an act to provide for taking the census and an act to change the names and render legitimate certain persons therein named: and then he withdrew.

Mr. Davis, of Frank. from the military committee to which was referred a resolution instructing them to inquire into the expediency of providing by law for appeals from the decisions of courts martial to the county or circuit courts, reported that it is inexpedient to legislate on that subject: In which report the House concurred.

The speaker laid before the House a communication from the comptroller of public accounts, which was read and laid on the table. *Ordered*, That hundred copies thereof be printed for the use of this House.

Mr. Greening, from the judiciary committee, to which was referred a resolution, instructing them to inquire into the expediency of reducing the rate of interest, reported that it was inexpedient to legislate on the subject; in which report the House concurred.

Mr. Greening, from the judiciary committee to which was referred a bill to entitled—an act more effectually to prevent breaches of the peace, reported bill without amendment.

Mr. Mead then moved to amend the bill, by adding thereto an additional tion, which was adopted.

Mr. Acklin then moved that the further consideration thereof be indefinitely stponed, which was carried—Yeas 34, Nays 26.

The yeas and nays being desired, those who voted in the affirmative are

Speaker	Dennis	Harris	mead	Rhodes
klen	Dubose	Jones	martin	Smith of Hen.
nson	Ellis	Lawler	Perkins	Sims
dges	Edwards	Lewis	Pickens	Terry
ley	Fluker	m'Clung	Parham	Walthall
enshaw	Greening	montgomery	Perry	Whitfield-34
le	Heard	moore of mad.	Ross	

Those who voted in the negative are

. Ambrister	Barclay	Davis of Ja.	Johnson	Neill
own	Craig	Coe Dupuy	moore of Ja.	Powell
oadnax	Coopwood	Duke	m'Vay of Laud	Smith of La.
H	Coleman	Edmondson	m'Vay of Law.	Williams
adford	Davis of Fr.	Exum	massey	Weissenger--20

*Ordered*, That Mr. Coopwood be added to the military committee.

Mr. Greening from the judiciary committee, to which was referred a bill to entitled—an act to alter the time of holding the county courts of Lawrence and Limestone counties, reported the same with sundry amendments; in which ort the House concurred.

Mr. Greening from the judiciary committee, to which was referred the pe- m of the members of the bar of the fourth judicial circuit, praying that the e of holding the county courts in certain counties in said circuit may be red, ask leave to be discharged from the further consideration of the p-ct t, which was granted.

Mr. Greening from the judiciary committee, to which was referred a bill to entitled—an act authorizing certain claims against the state, as well as cer- rates of state witnesses, to be received in discharge of fines and forfeitures, orted the same without amendment, the bill was then read a second time, d ordered to be engrossed for a third reading.

Mr. Mead offered the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the pendency of repealing the first section of an act entitled an act, concerning ecutions and sales by sheriffs, and for other purposes, passed December th, 1820, which was lost.

Mr. Greening, from the judiciary committee, to which was referred a bill to entitled—an act to authorize Pleasant May, guardian of the person and operty of Thaker Vivion, a minor, to remove the property of said minor om the county of Washington to the county of Greene, reported the same hout amendment. *Ordered*, That the bill lie on the table.

Mr. Greening from the judiciary committee, to which was referred a resolu- n instructing them to inquire into the expediency and constitutionality of ohibiting persons from carrying dirks, pistols, or any assassin-like weapons, ported that it is inexpedient to legislate on the subject; in which report the ouse concurred.

Mr. Greening from the judiciary committee, to which was referred a resolu- m instructing them to inquire into the expediency of passing a law to au-

authorize the removal of property belonging to estates from one county to another, and also to authorize the transfer of all accounts and vouchers in relation to such estates, to the county courts of the county to which said property may be removed, reported that it is inexpedient to legislate on the subject; which was laid on the table.

Mr. Moore, of Jackson, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit: an act to declare certain parts of the Choctawhatchee and Pea rivers public highways: an act for the relief of Zephaniah Hicks: an act to incorporate the trustees of Greenville academy in Butler county: an act to incorporate the town of Decatur in Morgan county: and an act to provide for an extra term of the circuit court in Mobile and Baldwin counties.

Mr. Perkins from the committee on Propositions and grievances, to which was referred the petition of Theophilous L. Toulmin, reported a bill to be entitled—an act for the relief of Theophilous L. Toulmin, tax collector for the county of Mobile, for the year 1822; which was read a first time, and ordered to be read a second time.

Mr. Moore of Mad. from the select committee to which was referred so much of the governor's message as relates to a proposition of Rembrandt Peale to furnish this state with a portrait of General Washington, reported that it is a source of much consolation to know, that in the bosom of our own country we have an artist so highly skilled in the fine arts as to be able to furnish a portrait of such inestimable value, in a style of execution worthy of the subject. And although it is highly desirable to have the portrait of him whose memory the world delights to honor, and at whose name the most grateful recollections are awakened; yet, situated as this state is at present, without public buildings suitable for the reception and preservation of such a work, it would be inexpedient to contract with Rembrandt Peale for a portrait of General Washington at this time; in which report the House concurred.

Mr. Mead, from the select committee to which was referred a bill to be entitled—an act better to provide for leasing the sixteenth section therein named, reported the bill with an amendment, by adding thereto an additional section; in which report the House concurred.

Mr. Bridges, from the select committee to which was referred an engrossed bill, to be entitled—an act to establish a certain road therein designated, reported the bill without amendment; which was read a third time. Mr. Bridges moved to amend the first section by way of engrossed rider, after the word "commissioners," insert the words "or a majority of them;" which was adopted.

Mr. Crenshaw offered the following amendment, by way of engrossed rider: "Provided, nevertheless, that the said commissioners, so appointed, shall have no pay or compensation for their services from the state treasury; and provided also, that there shall be no compensation allowed by the state, for any loss which any individual or individuals may sustain in consequence of the running of the said road through his, her, or their land or lands;" which was lost.

Mr. Bridges moved further to amend the bill, by way of engrossed rider, in the second section after the word "Lee," the words, "or a majority of them;" which was adopted.

Mr. Moore of Madison, moved to reconsider the vote given on Mr. Crenshaw's amendment, which was carried.

Mr. Moore of Madison then offered the following amendment to the amendment: "Provided the commissioners aforesaid shall not receive compensation out of the state treasury; and provided the injury which may be sustained by



individuals shall be paid out of the county treasury of the respective counties wherein the land lies which may be so injured;" which was adopted; and the question being put, "shall this bill pass?" it was determined in the affirmative. Yeas 44—Nays 14.

The yeas and nays being desired—those who voted in the affirmative are,

Mr. Speaker	Crenshaw	Edmondson	moore of mad.	Smith of Hen.
Acklen	Coe	Ellis	moore of Jack.	Smith of Lau.
Ambrister	Coopwood	Edwards	mead	Sims
Benson	Davis of Fr.	Fluker	Perkins	Terry
Bridges	Davis of Ja.	Greening	Pickens	Williams
Bailey	Dale	Heard	Perry	Weissenger
Brown	Dennis	Harris	Powell	Walthall
Bell	Dupuy	Jones	Ross	Whitfield—44
Bradford	Dubose	Montgomery	Rhodes	

Those who voted in the negative are

Mr. Broadnax	Coleman	Johnson	m'Vay of Land.	Massey
Barclay	Duke	Lawler	m'Vay of Law.	Neill 14
Baig	Exum	m'Clung	Martin	

*Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Mr. Davis, of Frank. offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency and necessity of imposing additional restrictions on the judges of this state in their charges and salaries; which was lost.

Mr. Powell offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of establishing by law, a penitentiary in this state, with leave to report by bill or otherwise.

Mr. Greening moved to strike out "judiciary," and insert "ways and means," which was carried.

The vote was then taken on the adoption of the resolution, which was lost.

Mr. McVay of Land. from the select committee, to which was referred, resolutions proposing alterations in the constitution, so as to have biennial, instead of annual sessions of the Legislature, reported the same with sundry amendments, which were concurred in by the House.

The House then proceeded to the orders of the day: An act to divorce Olivia A. Taylor from John Taylor, was then taken up— and then the House adjourned till 3 o'clock, this evening

#### *Evening Session. 3 o'clock.*

The House met pursuant to adjournment. The House again resumed the consideration of an engrossed bill, to be entitled—an act to divorce Olivia Taylor from John Taylor, was read a third time; and the question being put, shall this bill pass? it was determined in the affirmative; there being a constitutional majority voting in favor of its passage.

Those who voted in the affirmative are,

Mr. Speaker	Barclay	Edmondson	Moore of Mad.	Powell
Acklen	Crenshaw	Ellis	Moore of Jack.	Ross
Ambrister	Craig	Exum	M'Vay of Land.	Rhodes
Benson	Coe	Fluker	M'Vay of Law.	Smith of Hen.
Bridges	Davis of Fr.	Greening	Mead	Smith of Land.
Bailey	Davis of Jack.	Heard	Harris	Martin
Brown	Dale	Johnson	Massey	Terry
Broadnax	Dupuy	Lawler	Neill	Williams
Bell	Dubose	M'Clung	Perkins	Walthall
Bradford	Duke	Montgomery	Parham	Whitfield—51

Those who voted in the negative are,

Mr. Coopwood Dennis

Jones

Weissenger—7

Coleman

Edwards

Perry

*Ordered*, That the title be as aforesaid.

*Ordered*, That the same be sent to the Senate for their concurrence.

Engrossed bills from the Senate, of the following titles, to wit: an act to repeal in part, an act entitled an act to establish the town of Carthage in Caloosa county: and an act to change the mode of paying jurors in the counties in this state, were severally read a first time, and ordered to be read a second time.

A bill to be entitled—an act to provide for the payment of petit jurors then taken up. It was then read a second time, and ordered to be engrossed for a third reading.

Engrossed bill from the Senate, entitled—an act to repeal an act, passed the 17th day of December, 1819, entitled an act, to regulate the rate of interest, and for other purposes, was read a first time. *Ordered*, That the same lie on the river.

Mr. Smith of Lauderdale obtained leave to introduce a bill to be entitled an act to keep in force an act, for the registration of deeds, grants, &c. It was read a first time, and ordered to be read a second time.

Bills of the following titles, to wit: an act to amend an act, entitled a bill to establish a permanent seat of justice in the county of Jackson, and for other purposes: and an act to organize a militia company in Broxton's settlement Dale county, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled—an act to compel the judges of the county court of the state of Alabama, to transact all business relating to estates in vacation as well as in term time, was referred to the judiciary committee.

A bill to be entitled, an act to authorize solicitors to swear witnesses to the grand jury, was referred to a select committee, consisting of Mel McVay of Lauderdale, Moore of Jackson, and Barclay.

Engrossed bill, to be entitled—an act amendatory of an act, prescribing mode of executing original process.

Mr. McVay of Land. moved that the further consideration thereof be indefinitely postponed; which was lost. The bill was then ordered to lie on the table.

A bill to be entitled—an act to incorporate the city of Tuscaloosa, and repeal an act incorporating the town of Tuscaloosa, passed the 13th of December, 1819, was laid on the table.

A bill to be entitled, an act to establish a supreme court, and a court of chancery.

Mr. Coopwood moved that the bill lie on the table till the first day of March next, which was lost. *Ordered*, That the bill lie on the table, and that one hundred copies thereof be printed for the use of this House.

Engrossed bills of the following titles, to wit: an act to authorize the administrator of Wm. M'Alister, deceased, to transfer a certificate therein named; an act to authorize the field officers of Marion county to form a company of militia in Kennedy's settlement; and, an act to divide the 42d regiment of militia of this state, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to divorce William Bryant from Rhodicy Bryant, was read a third time, and the question be

shall this bill pass? it was determined in the affirmative, there being a constitutional majority voting in favor of its passage.

Those who voted in the affirmative are

Speaker	Barclay	Ellis	moore of Jack.	Powell
len	Crenshaw	Exum	m'Vay of Laud	Ross
bristet	Craig	Coe	Greening	m'Vay of Law.
ges	Davis of Fr.	Heard	mead	Smith of Hen.
ey	Davis of Jack.	Johnson	martin	Sims
wn	Dale	m'Clung	massey	Williams
adna	Dubose	montgomery	Neill	Walthall
ford	Edmondson	moore of mad.	Parham	Whitfield-41

Those who voted in the negative are

Benson	Coleman	Duke	Harris	Terry
	Dennis	Edwards	Jones	Weissenger-14
owood	Dapuy	Fluker	Lawler	

Ordered, that the title be as aforesaid. Ordered, that the same be referred to the Senate for their concurrence.

Mr. Moore of Mad. presented the accounts of James Devany and Daniel Ragland, of Madison county; which were severally read, and referred to the committee on accounts.

Mr. Bridges obtained leave to introduce a bill to be entitled an act to authorize the county court of Wilcox county to levy an extra tax; which was read a first time, and ordered to be read a second time.

A engrossed bill to be entitled an act authorizing Thomas H. Douglass to retail spiritous liquors within the county of Lawrence, was read a third time, and the question being put, shall this bill pass? it was determined in the negative.

A engrossed bill to be entitled an act to emancipate certain slaves named, was read a third time. Mr. Harris moved to amend the bill by way of engrossed rider.

And then the House adjourned till to-morrow morning 10 o'clock.

*Wednesday, December 6, 1826.*

The House met pursuant to adjournment.

Frederic Brasher, a member from the county of Pickens, appeared and was qualified, and took his seat.

Lawler presented the account of William T. Gamble, assessor and collector of Shelby county; which was read, and referred to the committee on accounts.

Moore of Jack. from the committee on the state bank, to which was referred the petition of sundry inhabitants of the southern part of Wilcox county, praying the General Assembly to authorize the president and directors of the State Bank to lend them money in such sums as they may call for, not exceeding \$200, nor less than \$50, on condition of twelve months without curtailment, reported that the prayer of the petitioners ought not to be granted. In which report the committee concurred.

On the motion of Mead, *Resolved*, That with the consent of the Senate and Houses will proceed on Saturday next, at 12 o'clock, to the election of a Trustee to the University of the sixth judicial circuit, to fill the vacancy occasioned by the resignation of Clement Billingsly.

and that the east end of the Representative Hall be assigned for reception of the Senate.

Mr. Moore of Jack. from the committee on the state bank, to which was referred the resolution instructing said committee to inquire the expediency of amending an act of last session of the legislature entitled an act to amend the charter of the State Bank, so as to make it the duty of the committee elected by authority of said act, to inquire of the members from the different counties as to the solvency of the debtors of the Bank in their respective counties, reported that such an amendment would be inexpedient. Ordered that said report lie on the table.

Mr. Montgomery, from the committee on roads, bridges and ferries, to which was referred a bill to be entitled an act to amend the laws concerning roads, highways, bridges and ferries in the county of Mobile, reported the same without amendment. The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr. Greening, from the select committee to which was referred a bill to be entitled an act to amend the charter of the Bank of the State of Alabama, reported the same without amendment.

Mr. Greening then moved that the bill lie on the table; which was carried—yeas 45, nays 15.

The yeas and nays being desired—those who voted in the affirmative

Mr. Speaker	Crenshaw	Duke	Jones	Perry
Acklen	Coopwood	Edmondson	Lawler	Powell
Benson	Coleman	Ellis	Moore of Mad.	Ross
Bridges	Davis of Fr.	Edwards	Moore of Jack.	Rhodes
Brown	Davis of Jack.	Exum	Martin	Smith
Broadnax	Dale	Fluker	Massey	Sims
Bell	Dennis	Greening	Neill	Weisse
Brasher	Dupuy	Heard	Perkins	Walthe
Barclay	Dubose	Johnson	Pickens	Whitfe

Those who voted in the negative are

Mr. Bailey	Coe	M'Clung	M'Vay of Law.	Smith
Bradford	Harris	Montgomery	Mead	Terry
Craig	Lewis	M'Vay of Laud.	Parham	William

A message from the Senate by Mr. Crabb: *Mr. Speaker*—The Senate have read three times and passed a bill which originated in the honorable body, entitled an act to alter the state road from Cahawba, by way of the new bridge on Valley creek. They also passed bills which originated in their House, entitled an act amendatory to an act to establish a certain county therein named for other purposes; and, an act to prevent the Creek Indians from hunting and trapping within the settled limits of this state. They respectfully ask your concurrence. They have also read three times and passed a bill which originated in their House, entitled an act to authorize the Governor to appoint some suitable persons to revise the laws in relation to wills, and the duties and legal liability of executors, administrators and guardians. In which they desire your concurrence: and then he withdrew.

Mr. Moore of Mad. obtained leave to introduce a bill to



an act to provide further for the probate of wills in this state; which was read a first time, and ordered to be read a second time.

Mr. Perry presented the account of John A. Cunningham, jailor of Butler county, which was read, and referred to the committee on accounts.

On motion of Mr. Ross, *Resolved*, That the committee on propositions and grievances be instructed to inquire into the propriety of allowing compensation to B. B. Breedin, Esq. for his services as solicitor in the county court in Mobile county, with leave to report by bill or otherwise. Mr. Perkins moved to amend the resolution by striking out "propositions and grievances," and inserting in lieu thereof "judiciary;" which was lost.

On motion of Mr. Exum, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law now in force respecting bonds of indemnity, as to provide, in case a judgment be obtained against a sheriff or other officer, selling under said bond, that by motion at said court, the sheriff or other officer obtain a judgment against the maker of said bond.

Mr. Acklen offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of allowing compensation to patrols for their services; which was lost.

Mr. Moore of Jack, to which was referred a bill to be entitled an act to authorize solicitors to swear witnesses to send to the grand jury, reported the same with an amendment, by striking out the third section. In which report the House concurred.

Mr. Williams moved to amend the first section of the bill by adding the words "attorney general" before the word "solicitor;" which was adopted. The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr. Ellis presented the records and proceedings of the Circuit Court of Tuscaloosa county, exercising chancery jurisdiction, in the case of Mary Ducksworth against George Ducksworth, for divorce; which was read, and referred to the committee on divorce & alimony.

Mr. Benson obtained leave to introduce a bill to be entitled an act directing in what manner, and in what courts, suits may be brought against the state of Alabama; which was read a first time, and ordered to be read a second time.

Mr. Perry presented the accounts of sundry citizens of Butler county, which were severally read, and referred to the committee on accounts.

Engrossed bills from the Senate of the following titles, to wit: an act to authorize the Governor to appoint some suitable person to revise the laws in relation to wills, and the duties and legal accountability of executors, administrators and guardians; and, an act to prevent the Creek Indians from hunting and trapping within the settled limits of this state, were severally read a first time, and ordered to be read a second time.

Engrossed bills of the following titles, to wit: an act to authorize the field officers of the 46th regiment to form a company of militia in

Broxton's settlement; an act authorizing certain claims against the state, as well as certificates of state witnesses, to be received in charge of fines and forfeitures; an act to provide for the payment of petit jurors in certain counties therein named; an act to amend an act, entitled an act to establish a permanent seat of justice for the county of Jackson, and for other purposes; and, an act supplementary to the several acts heretofore passed in relation to the Circuit Court for the county of Mobile, and for other purposes, were separately read a third time and passed. *Ordered*, that the titles be as said. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to emancipate certain therein named, was read a third time. Mr. Harris moved to amend the bill by way of the following engrossed rider: "Provide that said slaves shall remove out of this state within one year after the passage of this act, and shall not return to reside therein: provide also, that said slaves shall be subject to the same laws, rules and regulations to which all other slaves are subject during their continuance in this state;" which was adopted. The bill was then passed.

*Ordered*, That the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to authorize Romeo Anderson to emancipate certain slaves therein named, was read a third time.

Mr. Coopwood moved to amend the bill by way of the following engrossed rider: after the word "security," "in the sum of two thousand dollars;" which was lost. Mr. Greening then moved further to amend the bill by way of the following engrossed rider: "Provide that the said slaves shall remove without the limits of this state within twelve months." Mr. Coopwood moved to amend the amendment adding the words "and never return to reside therein;" which was carried. The question was then put on the adoption of Mr. Greening's amendment, which was determined in the negative—Yeas 36.

The yeas and nays being desired, those who voted in the affirmative

Mr. Benson	Davis of Fr.	Harris	Neill	Rhodes
Bell	Dubose	Johnson	Perkins	Smith of
Bradford	Duke	Lawler	Pickens	Smith of
Coopwood	Ellis	m'Vay of Laud	Parham	Whitfield
Coleman	Greening	martin	Perry	

Those who voted in the negative are

Mr. Speaker	Barclay	Edmondson	m'Clung	Powell	
Acklen	Crenshaw	Edwards	montgomery	Ross	
Bridges	Craig	Coe	Exum	moore of mad.	Sims
Bailey	Davis of Ja.	Fluker	moore of Ja.	Terry	
Brown	Dale	Heard	m'Vay of Law.	Williams	
Broadnax	Dennis	Jones	mead	Weisseng	
Brasher	Dupuy	Lewis	massey	Walthall	

The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

On motion of Mr. Greening, *Resolved*, That the committee appointed on the part of this House, to act with the committee appointed

the part of the Senate, to examine the condition of the Bank of the State of Alabama, have leave of absence from this House so long as may be necessary to enable them to discharge the duties assigned to them.

Engrossed bill from the Senate to be entitled an act to change the mode of paying jurors in the several counties in this state, was laid on the table.

Engrossed bill to be entitled an act to repeal in part an act entitled an act to establish the town of Carthage, in Tuscaloosa county, was read a second time, and ordered to be read a third time.

Joint resolutions proposing sundry amendments to the constitution of the state of Alabama, were taken up. Mr. Davis of Fr. moved that it be referred to a committee of the whole house on Monday next; which was carried.

A bill to be entitled an act for the relief of Theophilus L. Toulman, tax collector for the county of Mobile for the year 1822—

Ordered, that the bill, together with the petition of the said Theophilus L. Toulman, be referred to the committee on accounts.

Bills of the following titles, to wit: an act to authorize the county court of Wilcox county to levy an extra tax: an act to keep in force an act for the registration of deeds, grants, &c.: an act better to provide for leasing the sixteenth section therein named: an act to establish the militia and patrol laws of this state as digested by Thomas W. Farrar, and for printing and distributing the same: and an act more effectually to secure the compensation allowed by law to jurors therein mentioned, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled, an act to alter the time of holding the county courts of Lawrence and Limestone counties, was read a second time. Ordered, that the bill together with the petition of the members of the bar of the fourth judicial circuit, be referred to a select committee, consisting of Messrs. Crenshaw, Terry, and McVay, of Laud.

A resolution proposing alterations in the constitution, so as to have biennial instead of annual sessions of the General Assembly, was read a second time, and referred to a select committee, consisting of Messrs. Mead, McVay of Laud. and Davis of Franklin.

A bill to be entitled, an act explanatory of an act entitled an act to provide for the election of justices of the peace and constables, passed December 31st, 1822, was read a second time, and referred to a select committee, consisting of Messrs. Moore of Jackson, Perkins and Wallball.

Mr. Perry obtained leave to introduce a bill to be entitled, an act authorizing the election of certain officers in the town of Greenville, in Butler county, which was read a first time, and ordered to be read a second time.

Joint resolutions, proposing sundry amendments to the constitution of the United States, was read a second time, and ordered to be engrossed for a third reading.

Engrossed bill from the Senate, entitled an act to repeal an act

passed on the 17th day of December, 1819, entitled an act to regulate the rate of interest, and for other purposes, was then taken up.

Mr. McVay, of Laud. moved that the bill be referred to a select committee; whereupon Messrs. McVay of Laud. Davis of Frankland, Craig and Moore of Mad. were appointed said committee.

Mr. Greening asked leave of the House to offer the following protest, which was granted.

The undersigned, members of the House of Representatives, who voted the minority on the adoption of the preamble and resolution, denying to Andrew Wills, the Editor of the Huntsville Democrat, the privilege of retaining his seat within the bar of this House, as one of its reporters, claim the indulgence extended to them by the constitution of their country, of spreading upon the journals of the house, the reasons that influenced them in their opposition to the adoption of the preamble and resolution. In doing so they wish not to interpret the motives of others, or to permit their own to be misrepresented. They desire only to place the resolution in its proper light before the public, which can only be done by a free and full expression of the reasons that influenced them. It is important to ascertain the nature of the offence, if any offence was committed by Mr. Wills, so far as it is connected with the privileges of the House of Representatives, or its members. The 19th section of the 3d article of the constitution of Alabama, exempts members of the General Assembly from arrests in all cases, except for treason, felony, or breach of the peace; and the violation of any of the privileges exercised to members of both branches of the legislature, would consequently be considered as a violation of the privileges of the House of Representatives. The members of the General Assembly possess no privileges except such as are secured to them by the constitution. As individuals, by the section of the constitution referred to they are exempted from arrest, except in particular cases. And the construction to be placed upon this section, cannot be so enlarged as to extend to every indignity that may be offered to a member. Indeed, no indignity that might be offered, except an actual arrest, could be considered as a violation of the privileges of the House or its members.

The undersigned wish, therefore, to be understood as assuming the position that no words, however abusive, can amount to a violation of the privileges of a member; and they humbly consider that no proper construction can be placed upon the constitution, which would lead to a different conclusion. The facts of this case, as disclosed by the preamble to the resolution, or by the statement of Dr. Moore, are tested by the rule here laid down, it must be considered, that the conduct of Mr. Wills does not amount to a breach of the privileges of the House or its members. If the offence then of Mr. Wills does not amount to a violation of the privileges of a member of the House, it is an offence punishable by the House, unless it can be brought within the meaning of the seventh section of the third article of the constitution. This section provides that each House, *during the session*, may punish by imprisonment any person not a member, for disrespectful or disorderly behaviour in its presence, or for obstructing any of its proceedings; provided that such imprisonment shall not at any one time exceed forty-eight hours. The phraseology of this section is such, that no room is left for any difference of opinion, as to the proper construction to be placed upon it. The House of Representatives is here vested with the power of inflicting punishment in all cases of disorderly behaviour, committed in its presence during the session, that may tend to obstruct the proceedings of the House. The offence of Mr. Wills, for which the resolution provides a punishment, was an indignity offered to the feeling



of a member, if such it can be considered, at the distance of several hundred yards from the state house, and while the House was not in session. It was not offered in the presence of the House while in session, and was therefore not calculated to obstruct the proceedings of the House, or to impede the progress of legislation. The power delegated to the General Assembly, by the section of the constitution now under consideration, was granted upon the principle of self preservation, only so far as was necessary to enable the legislature to proceed with the business of legislation. The convention foresaw the necessity of clothing the representatives of the people with this power; if it had not been delegated, tumult, disorder, and violence, might obstruct their proceedings, and virtually destroy the legislative department of the government. Will it be said that the injury done to the feelings a member at a distance from the state house, and while the house was not in session, was such an offence, for which the offender could be punished by the house of representatives, in the exercise of the powers delegated to the general assembly by this section of the constitution? Most assuredly not. The undersigned would cheerfully consent to any liberal or enlarged construction, consistent with the object of the convention, that may be placed upon this section; and still the offence of Mr. Wills cannot be brought within its meaning. They would, for the purpose of argument, acknowledge the correctness of the construction, that the legislature could punish every attempt that might be made to influence the conduct of a member, as tending to obstruct their proceedings, although such attempt should not be made in their presence while in session; and yet by referring to the testimony, it must be perceived that Mr. Wills could not be punished consistently with the provisions of the constitution. The evidence does not disclose the fact, that any effort was made by him to influence the conduct of Dr. Moore as a member. He spoke of the motives by which the member was influenced, on an occasion that had already transpired, and which could not possibly recur. In doing so, the conduct of the representation from Madison could not be influenced by the denunciations of Mr. Wills. But it has been said in argument, that Dr. Moore was directly charged with having voted on the occasion referred to, under the influence of factions considerations and feelings; and that a charge of this nature, under such circumstances, was calculated to controul his conduct on subsequent occasions as a member. This argument would carry with it great force, if in truth a faction did exist in this body, from which Mr. Wills considered it important to withdraw the member on future occasions. But as the undersigned have seen nothing to justify a belief that a combination of this kind does exist here, they cannot perceive the force of the argument. The charge of Mr. Wills, therefore, cannot be considered as an expression of his feelings, in relation to a subject that had already been acted upon without any desire or expectations on his part, that the subsequent conduct of Dr. Moore would be influenced by it. Admitting the construction then to be correct, that the house of representatives possess the power to punish every effort that may be made to influence the conduct of a member, Mr. Wills was not amenable in this instance to the House, because his conduct cannot be said to have been disrespectful or disorderly to the House while in session, or calculated to influence the conduct of a member. It has been said in argument, that the conduct of Mr. Wills amounted to a violation of the privileges of the House, or was an insult offered to its dignity. The considerations and reasons already presented, in relation to the conduct of Mr. Wills, so far as it may be considered as a violation of the privileges, or an insult offered to the House, have operated upon the undersigned members, with conclusive force; and have compelled them, from a sense of duty, to resist the adoption of the resolution. In the exercise of municipal powers, the House of

Representatives must be confined within the limits prescribed by the constitution, and can exercise no power that is not expressly delegated. In all cases of punishment for contempts, or breaches of privilege, the House must exercise a municipal power, a power that properly belongs to the judicial tribunals; but which must be exercised by the House of Representatives, in order to preserve the purity and powers of legislation. For this purpose no power can be properly exercised that is not expressly delegated. In the ordinary business of legislation, their powers are plenary: and as the Representatives of a sovereign people, they are permitted to exercise all powers that are not expressly prohibited; but in adopting the resolution now under consideration, the House acted as a municipal tribunal, and inflicted punishment in a case where it is humbly conceived they have no jurisdiction.

The powers of this government have been confided to three departments, separate and distinct from each other. Those which are legislative have been confided to the General Assembly; those which are executive to the chief magistrate of the state; and those which are judicial, to the courts of judicature. If either of these departments exceed their limits by the exercise of powers that have been vested in another department, the constitution is violated.

In illustration of the views of the undersigned on this subject, and in reply to the arguments that have been based on the 9th section of the Declaration of Rights, it may be proper to notice particularly this section of the Constitution:—By this section the right is secured to every citizen, to speak, write, and publish, freely, his sentiments on all subjects; provided that he shall be responsible for the abuse of this liberty.

If Mr. Willis, by impugning the motives of the representative from Madison, abused this liberty, he was not responsible to this house—he was responsible only to the injured party in the courts of justice. And the adoption of this resolution cannot be justified by the argument attempted to be drawn from this section of the constitution, that Mr. Willis was responsible to this House. In entertaining jurisdiction therefore, of this case, under the circumstances, a power was exercised that has been confined to another department of the government. If any abuse that may be lavished on a member of this house, or on the house collectively, would give to us the jurisdiction of the offence, or enjoy a right that has perhaps never been exercised by any legislative body in the union, except in the solitary case of the editor of the Aurora, in the days of proscription. But this case has furnished no precedent or authority on similar occasions, even in the body where it was adopted, in latter times.

A minority of the present Senate of the United States has been denounced as a factious opposition to the present administration; and this august body has not offered to insult the rights of the people of this nation, by any effort to punish the offenders. If the case of the editor of the Aurora had been considered as furnishing a *safe* precedent, the feelings of the Senate would not have been outraged by the vile slander that have been lavished upon that illustrious body.

It has been said that a challenge was given in the interim between the representative from Madison and Mr. Willis, by the latter to the former—and this has been urged by some as a conclusive argument in favor of the adoption of the resolution. There is but one instance, perhaps, to be found on record, where a legislative body has determined that a challenge given to a member amounted to a breach of privilege. This decision was made in the House of Representatives of the United States, at a period in our history, when the two great political parties throughout the union were struggling for the sceptre of power, by the prostration of their adversaries. It may be well to enquire if their decision be recognized as good authority at the present day, why the

senate of the United States did not assert their privileges when the challenge was recently given to one of the Senators from Virginia? It will scarcely be said that they were prevented from maintaining their rights by sentiments of delicacy towards the present administration. The undersigned have adverted to this argument in support of the resolution, only to show the circumstances under which the decision was made in the house of representatives of the United States. In the case now under consideration, the evidence does not shew that any challenge was given, or intended to be given. It was only a free and full expression of the sentiments of Mr. Wills, in relation to the supposed conduct of Mr. Moore, accompanied by a declaration, that he considered himself responsible for what he had said, and an avowal of his readiness to meet Mr. Moore in any manner that he might suggest, if he felt himself aggrieved. It cannot therefore be considered as a challenge; and if the expression of Mr. Wills should be considered as a challenge, it certainly cannot be regarded as the violation of any of the privileges secured to the members of the legislature by the constitution. But it has been said, that the resolution proposes no punishment, that it was only intended to withhold a privilege that had been previously granted, and which was exercised at the pleasure of the House. If it was not intended by the resolution to punish Mr. Wills, then the time of the house has been consumed without the hope of obtaining any design or object. It will not seriously be contended, that the revocation of the act of courtesy was not intended to operate as a punishment. — Is not the formal revocation of privilege a punishment? If the reputation of this individual should be prostrated by the resolution, would it not be a punishment? A punishment, too, without a hearing or a trial! Does not the report of the committee shew that Mr. Wills desired permission to substantiate the truth of the charges made by him? It is true, that this evidence was properly rejected; but it is no less true, that it shews that the resolution ought not to have been adopted. And why has it been adopted? In what has the offence consisted? A citizen of this country, in the exercise of his constitutional rights, has been independent enough to express his opinion of the conduct of his immediate representative — and for this he is punished! The undersigned protest against such punishment for such an offence; and to vindicate the course which their duty and their conscience have led them to pursue, they avail themselves of their constitutional right of spreading their reasons on the journals of this house. (Signed.) Eldridge S. Cunningham, Nimrod E. Benson, John Martin, Charles A. Dennis, Bartholomew Smith, James Davis, Sam'l Craig, Hugh McVay, Zaddock McVay, Thomas Coopwood, Joseph Pickens, Sam'l B. Moore, William W. Parham, William H. Duke, John Massey, Hervey W. Ellis, William Acklin, jr. David Bradford, John W. Bridges, Philip Coleman, Geo. Weissinger, John Brown, John M. Dupuy, Bernard Johnson, Elias H. Dubose.

And then the House adjourned till to-morrow morning, 10 o'clock.

Thursday, Dec. 7th, 1826.

The house met pursuant to adjournment.

Mr. Walthall presented the account of J. C. King, sheriff of Perry county, which was read and referred to the committee on accounts.

Mr. Pickens presented the petition of Robert C. Morrison, administrator of Allen Orr, dec'd. praying the passage of a law to authorize him to sell and transfer certain real estate therein named; which was read and referred to the judiciary committee.

Mr. Heard, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Madison county, exercising chancery jurisdiction in the case of John Hamblin against Hannah Hamblin for divorce, reported a bill to be entitled—*an act to divorce John*



Hamblin from Hannah Hamblin; which was read a first time and ordered to be read a second time.

Mr. Heard, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Limestone county, exercising chancery jurisdiction in the case of Kelly Steagall against Nancy Steagall for divorce, reported a bill to be entitled—an act to divorce Kelly Steagall from Nancy Steagall, which was read a first time, and ordered to be read a second time.

Mr. Moore of Jackson, from the committee on enrolled bills, reported that they have examined and found correctly enrolled, bills of the following titles, to wit: an act to alter the state road from Selma to Cahawba, by way of the new bridge on Valley Creek: an act to change the names and render legitimate certain persons therein named: and an act to provide for taking the census of this state.

Mr. Mead from the select committee, to which was referred resolutions proposing alterations in the constitution, so as to have biennial instead of annual sessions of the legislature, reported the same without amendment; it was then read a second time, and ordered to be engrossed for a third reading.

Mr. McVay of Land. from the select committee to which was referred an engrossed bill from the senate, to be entitled—an act to repeal an act passed on the 17th day of December, 1819, entitled an act to regulate the rate of interest, and for other purposes, reported the same without amendment.

Mr. Weissinger moved that the further consideration thereof be indefinitely postponed, which was carried—Yeas 31, Nays 28.

The yeas and nays being desired—those who voted in the affirmative are,

Mr. Speaker	Crenshaw	Johnson	Martin	Powell
Bridges	Coopwood	Jones	Lewis	massey
Bailey	Coleman	Lawler	Perkins	Smith of Hen.
Brown	Davis of Fr.	McClung	Pickens	Sims
Broadnax	Fluker	moore of mad.	Parham	Terry
Brasher	Greening	moore of Jack.	Perry	Weissinger
				Walthall 31

Those who voted in the negative are

Mr. Ambrister	Davis of Ja.	Edmondson	montgomery	Rhodes
Bell	Dale	Ellis	McVay of Land.	Smith of Lan.
Bradford	Dennis	Edwards	McVay of Law.	Williams
Barclay	Dupuy	Exum	mead	Whitfield—28
Craig	Dubose	Heard	Neill	
Coe	Duke	Harris	Ross	

Mr. Lewis from the select committee, to which was referred a resolution of the state of Mississippi, transmitted in a special communication to this House, by his Excellency the Governor, disapproving of resolutions passed by the states of Ohio, New-Jersey, Delaware, Connecticut, Indiana, and Illinois, on the subject of the abolition and general emancipation of persons of colour held in servitude in the United States, reported joint resolutions of the senate and house of representatives of the state of Alabama, in general assembly convened, disapproving of the resolutions of the states of Delaware, Connecticut, Illinois, and Indiana, concurring with the resolution of Ohio,



proposing the emancipation of slaves, passed on the 7th day of January, 1824; together with the resolution of the state of New-Jersey, recommending a system of foreign colonization to be adopted to effect the entire emancipation of slaves; which was read a first time, and ordered to be read a second time.

Mr. Crenshaw gave notice, that on to-morrow he would move to amend a rule of this house, numbered nineteen, in the following manner—“and no clerk or bearer to the senate of any joint resolution or bill of this house, shall convey or carry the same to the senate (unless otherwise ordered by the house) until the succeeding day after the passage thereof; and then not until the speaker has announced that the house is engaged on the orders of the day.

On motion of Mr. Ellis, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of allowing plaintiffs to discontinue their suits against one or more defendants upon joint actions of assumpsit against two or more defendants in all cases.

Mr. Moore, of Jackson, from the select committee, to which was referred a bill to be entitled—an act, explanatory of an act entitled an act, to provide for the election of Justices of the Peace and Constables, passed December 31, 1822, reported the same with sundry amendments.

Mr. Lewis moved to amend the amendment, by striking out of the sixth section the word “one thousand,” and insert in lieu thereof five hundred, which was adopted. Mr. Lewis moved further to amend the amendment, by striking out of the sixth section the word “circuit,” and insert in lieu thereof the word county; which was adopted.

The question was then put on concurring with the report of the committee; which was carried.—Yeas 35, Nays 25.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Coe	Exum	Moore of Jack.	Russ
Acklen	Davis of Fr.	Fluker	Massey	Rhodes
Bailey	Dupuy	Greening	Perkins	Smith of Hen.
Brown	Dubose	Harris	Pickens	Sims
Bell	Duke	Johnson	Parham	Terry
Bradford	Edmondson	Lewis	Perry	Williams
Brasher	Edwards	Montgomery	Powell	Whitfield—35

Those who voted in the negative are,

Mr. Ambrister	Craig	Dennis	McClung	Martin
Bridges	Coopwood	Ellis	Moore of Mad.	Neill
Broadnax	Coleman	Heard	McVay of Laud	Smith of Laud.
Barclay	Davis of Jack.	Jones	McVay of Law.	Weissenger
Crenshaw	Dale	Lawler	Mead	Walthall—25

Mr. Moore of Jack. moved to amend the title of the bill, by adding the words “and for other purposes,” which was adopted. The bill was then read a second time as amended, and ordered to be engrossed for a third reading.

Mr. Moore of Mad. from the select committee to which was referred the petition of Benj. S. Pope, reported a bill to be entitled—an act to authorize Benjamin S. Pope to convey a certain lot therein mentioned, which was read a first time, and ordered to be read a second time.

Mr. Ross from the select committee, to which was referred a resolution of this house, instructing them to inquire into, and report to this house, at what point or place a Branch of the Bank of the State of Alabama could be established, best calculated to protect and support the mother institution, reported, That they have approached the important subject committed to them, which involves questions of magnitude, and of vital importance to the best interests of the state, with peculiar diffidence. They are aware that the satisfactory exposition of the merits of this important question can only be successfully reached by the unerring calculation of the able financier, who might be enabled to urge to you lucid theoretical arguments; the salutary and practical operation of which his experience would enable him to speak with certainty.

Limited, therefore, as are their own lights on this subject; unsatisfactory as may seem those reflected from the superior intelligence of others, they nevertheless offer to your honorable body, such views as were presented to their minds in the investigation of the matter submitted. From the experience of the past, it will readily be conceived, that the location of the branch bank of the United States at Mobile, will be productive of consequences greatly injurious to the money institutions of the state. If it depended entirely on its own resources, great as is its capital, and great as are its advantages, the chance for competition would be greater, and the evil of its ways less apprehended. But it is an institution which derives a great portion of its strength from extraneous causes; wherever a branch of the United States bank is located, it becomes the privileged and exclusive depository of the circulating currency of the country, or at least becomes the channel through which all the money of the country must flow, when, therefore, such an institution chooses to act with hostility against the local banks, as is now apprehended by your committee, it may require (and it is understood to be an unvarying rule in its operations) that all, or a great portion of that paper, which is constantly and necessarily passing through its coffers, should be redeemed at stated periods; and these periods will not exceed from 30 to 60 days. No prudence can guard banking institutions differently situated, against such a pressure; no exertion can enable them to support its continued operations.

The bank of the United States and its branches are the reservoirs and depositories of the national wealth—they receive into their vaults the overflowing tide of public revenue—acquiring in this manner nearly all of the circulating paper of the local banks. Its operations against them, therefore, when hostile, are irresistible; they are prostrated by the overpowering resources of the nation—their energies are paralyzed by the strong arm of the general government. But let us examine the strong features which mark the establishment of the branch bank at Mobile, and which would seem to furnish the *concurring evidence* of its future operations; and see whether the arguments and reasons before advanced, would apply to the present subject. 1st As before stated, it is believed to be an undeviating rule of the U. S. bank and its branches, to make exchanges of paper with the surrounding banks—at Mobile these periods will not exceed (as before stated,) from 30 to 60 days. 2d They will emit only a small amount of paper, and that paper being a currency sought after with more avidity by the community, and subject to a less discount abroad than any other from this state, it will consequently be next to impossible for the local banks, and particularly those out of the city of Mobile, to obtain the paper of the branch bank, and thereby be prepared for an exchange of bills;

consequence must necessarily follow, that a large balance at each period will be found against the local institutions. Should the Branch, on the other hand, deem it better policy, or the surer method to arrive at such speculation, it may emit its own bills to the whole amount of its capital and retain, as it receives them, the bills of the local institutions, entering no apprehension of the reflux of its own paper, and wage with impunity a hostile and exterminating course of procedure with the country banks through the medium of exchange until they are constrained to succumb and to the gigantic and irresistible arm of an institution limited in its views of policy by no bounds: in mercantile negotiations, circumscribed by no limit. It is then being the acknowledged tendency of what may justly be esteemed, naturally will be, the course of the operations of the Branch at Mobile, commencing with the view of guarding against the impending danger which so seriously menaces the security and prosperity of the State Bank, having directed their views to the most eligible location of a branch of the State Bank at a place which may combine the most advantages, and the best adapted to afford facilities to the mother bank in time of great pecuniary distress and embarrassment. From the natural course of trade through Mobile, that city being the great emporium of the state, having large amounts due it monthly from the country, it is obvious that the greater part of the agricultural resources of the country must there concentrate, and a large portion of the paper issued in the interim by the local banks be there paid and deposited, either in the United States Branch, or in the Mobile Bank. If in the latter, it must of defence pursue a course similar to that of the former; and without this its very security would be jeopardized. In this unhappy posture of affairs, how are the local banks to sustain themselves? how will they be enabled to meet the heavy runs for specie which will be made upon them? They will, as your committee conceive, be crushed by the pecuniary weight opposed to them, unless they derive aid and support from respectable banking institutions; and according to the views of your committee, there are but two ways by which this influence may be procured, or the mother institution be sustained and protected. First, by the establishment of a branch at Mobile, untrammelled by the mother bank without restrictive clauses in its charter, to menace its prosperity; conducted on banking and commercial principles alone, with a capital which will enable it both to maintain itself against the hostilities of its neighbors, by using the justifiable weapon of retaliation, and to impart strength and support to the mother institution, a remedy for the evils here in so seriously deplored may be found. A branch of the State Bank at Mobile, by dealing largely in bills of exchange, and by discounting business paper alone. The exchange will give to the bank a specie capital, enable it at all times to meet any demands from the Branch; and in case of great pecuniary distress it will be able to afford important relief to the mother bank. Every good citizen must feel more or less interested in the fire and prosperity of the State Bank, but the great desideratum is to give it strength and support, and to enable it to cope with the branch Bank. This support, as your committee believe, must come from a commercial community which will vest its business paper founded upon actual business transactions.

It is believed that the exports this year from the port of Mobile will amount to 100,000 bales of cotton, averaging \$40 per bale, producing an aggregate of \$4,000,000. It may be safely calculated that one third of this cotton will be shipped by the negroes in bills of exchange through the banks at Mobile, which, at the customary rate of exchange, say three per cent, will

yield a profit of \$72,000. It is a fair calculation, that a state institution, located where it could go fairly into the bill market, and take the advantage of this state of things, would command at least one third of this exchange, besides enabling it at all times to procure a specie capital for the protection of the mother bank. would afford a profit of \$24,000. On the other hand, a bank in the interior, dealing entirely in accommodation paper, with no institution in its neighborhood so powerful as the Branch Bank, which is known to be almost unlimited in its pecuniary resources, in times of great pecuniary distress, and emergency, be prepared to meet any demand for specie which may be made upon it? And from the course universally pursued by the banks of the United States, and its branches, it is reduced to absolute certainty, that heavy and serious runs for specie will be made on the local institutions. It is believed, that by the establishment of a branch at Mobile, under proper management, the cause would be materially altered, and the evil so seriously apprehended averted.

Your committee beg leave further to report, that in the performance of the duties assigned to them by the House, their attention was consequently directed to the investigation of measures calculated to avert the danger which threatens the security and progress of the mother bank. In this investigation they have invoked the aid of the best lights, and have brought their minds to the following conclusion: To recommend to the House the expediency of subscribing for the stock reserved for the state, in the charter of the Bank of Mobile, say \$100,000. This sum, it is believed, can be raised by creating a "State Stock," authorizing the Governor and Commissioners elected by the legislature, to borrow the amount in Mobile or elsewhere, on the credit and faith of the state, with a condition also (if necessary) that the stock held by the state in the Bank of Mobile should be pledged for the payment of the principal and interest of the loan. Individuals have subscribed and paid into that Bank \$145,000. Suppose the state subscribe \$100,000, the Governor will then be authorized to appoint five directors out of thirty who would vigilantly attend and superintend the interest of the state, and protect it against pecuniary loss and injury—Whilst at the same time it would acquire an influence in Mobile in strict congeniality with the best interests of the State Bank, thereby forming an important link in the great precautionary chain of its preservation and security, so essential to the strength and reputation of the State Bank. Influenced by the foregoing views, which are respectfully submitted to the consideration of your honorable body, your committee have come to the conclusion that a Branch of the Bank of the State of Alabama ought without delay to be located in the city of Mobile.

Mr. Moore of Mad. moved that the report lie on the table. Mr. Greening moved that 65 copies be printed for the use of this House. A division of the question being called for, the vote was first taken on laying upon the table, which was carried.

Mr. Terry then moved that 125 copies thereof be printed for the use of this House, which was agreed to.

Mr. Terry moved to reconsider a vote given on yesterday on the passage of a bill entitled an act authorizing certain claims against the state, as well as certificates of state witnesses, to be received in discharge of fines and forfeitures, which was carried. The bill was then read a third time. Mr. Mead moved to amend the bill by way of the following engrossed rider: "according to priority of registration



the county treasurer," which was lost. And the question being put, shall this bill pass? it was determined in the negative.

Mr. Bridges offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the laws in relation to the payment of state witnesses as to make their certificates payable out of the state treasury, and also to require all sums arising from fines and forfeitures to be paid into the state treasury; which was lost.

Mr. Montgomery obtained leave to introduce a bill to be entitled an act supplementary to the several laws now in force relating to the collection of the revenue; which was read a first time, and ordered to be read a second time.

A bill to be entitled an act to provide further for the probate of wills in this state, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act directing in what manner and in what courts suits may be brought against the state of Alabama, was referred to the judiciary committee.

Engrossed bill from the Senate, entitled an act to authorize the Governor to appoint some suitable person to revise the laws in relation to wills, and the duties and legal accountability of executors, administrators and guardians, was read a second time. Mr. M'Clung moved that the further consideration thereof be indefinitely postponed; which was carried—yeas 53, nays 6.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Crenshaw	Edmondson	M'Clung	Powell
Acklen	Craig	Ellis	Moore of Mad. Perry	
Ambrister	Coopwood	Edwards	Moore of Jack. Rhodes	
Bridges	Coleman	Exum	M'Vay of Land Smith of Hen.	
Bailey	Davis of Fr.	Floker	M'Vay of Law. Smith of Land.	
Brown	Davis of Jack.	Greening	Mead	Sims.
Broadnax	Dale	Heard	Martin	Williams
Bell	Dennis	Harris	Massey	Walthall
Bradford	Dupuy	Johnson	Neill	Whitfield-53
Brasher	Dubose	Jones	Perkins	
Barclay	Duke	Lawler	Parham	

Those who voted in the negative are

Mr. Lewis	Montgomery	Pickens	Ross	Terry	Weissenger-6
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Engrossed bill from the Senate, entitled an act to prevent the Creek Indians from hunting and trapping within the limits of this state, was read a second time, and referred to the judiciary committee.

Engrossed bill from the Senate entitled an act to repeal in part an act entitled an act to establish the town of Carthage, in Tuscaloosa county, was read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bills of the following titles, to wit: an act to authorize solicitors to swear witnesses to send to the grand jury; an act to authorize the County Court of Wilcox county to levy an extra tax; an act better to provide for leasing the sixteenth section therein named; an act to keep in force an act for the registration of deeds, grants,

&c.; and, a joint resolution proposing certain amendments to the constitution of the United States, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned until to-morrow morning 9 o'clock.  
Friday, December 8, 1826.

The House met pursuant to adjournment.

Mr. Williams presented the petition of the citizens of the fourteenth and fifteenth townships of range nine, west of the basis meridian of Huntsville, praying the passage of a law to attach the said townships to Walker county, and also to establish an election precinct at the house of Peter Tittle on Crab's road; which was read, and referred to the committee on county boundaries.

On motion of Mr. M'Vay of Loud. *Resolved*, that the credentials of the members of this House be referred to the committee of privileges and elections, with directions to report thereon.

Mr. Williams presented the record and proceedings of the circuit court of Tuscaloosa county, exercising chancery jurisdiction, in the case of Morgan Buck against Lavina Buck for divorce; which was read, and referred to the committee on divorce and alimony.

The House then proceeded to the orders of the day.

A bill to be entitled an act to authorize B. J. S. Pope to convey a certain lot therein mentioned, was laid on the table.

A joint resolution of the Senate and House of Representatives of the state of Alabama, disapproving certain resolutions of the legislatures of the states of Delaware, Connecticut, Illinois and Indiana, concerning with a resolution of the state of Ohio, proposing the emancipation of slaves; and a resolution of the legislature of New-Jersey, recommending a system of foreign colonization, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act supplementary to the several laws now in force relating to the collection of the revenue, was referred to the committee on ways and means.

A bill to be entitled an act authorizing the election of certain officers in the town of Greenville in Butler county, was read a second time, and ordered to be engrossed for a third reading.

Engrossed bill to be entitled an act to amend an act, entitled an act concerning roads, highways, bridges and ferries in the county of Mobile, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bills of the following titles, to wit: an act explanatory of an act, entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31<sup>st</sup> 1822, and for other purposes; and, an act to provide further for the probate of wills in this state, were laid on the table.

A message from the Senate by Mr. Lyon their secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that they have unanimously adopted the following re-

port and resolutions in relation to the death of the Ex-Presidents of the United States, John Adams and Thomas Jefferson:—

The select committee to which was referred that part of the Governor's message which relates to the death of the Ex-Presidents of the United States, John Adams and Thomas Jefferson, beg leave to *report*—That they have viewed with mingled emotions of grief and gratitude, that awful dispensation of the Supreme Ruler of the universe, by which two names, dear to patriotism, and consecrated to virtue and glory, have been stricken from the rolls of time—with grief for the loss which the people of the United States in particular, and the great family of mankind in general, have sustained in the death of these dear and venerated conscript fathers of the American republic—and gratitude to the all-wise Disposer of events, for summoning them to "that house not built with hands," on a day the most celebrated in the annals of mankind—on that "great and glorious day," that they had so essentially contributed to render as immortal as time itself. It is impossible for your committee to recur to the memory of these illustrious men, without associating with it all that is dear to the American character, and with the recollection of the sainted patriots and sages who have gone before them, and over whose ashes the most precious tears of a grateful country have been shed. Identifying themselves with the early and perilous glory of their country, we see them, through the course of half a century, standing on an eminence covered with honor—through the dim distant lapse of that period, the latest accents of expiring patriots have been breathed out in prayers of gratitude for their matchless services; and succeeding generations, following upon the footsteps of that which was passing away, have risen up and called them blessed. The love, the honor, the gratitude, and heartfelt affection, of one nation, and the admiration of *all*, have been offered up as willing but humble tributes at the shrine of their talents and virtues. From that summit of earthly exaltation, they have been summoned, as your committee most fervently trust, and believe, to the realms of immortal glory. They are not dead, but removed. Dim and sightless are the eyes whose radiant and enlivened orbs once beamed with intelligence, and watched with sleepless anxiety through the perilous scenes of the revolution, over the ardent efforts of an oppressed and bleeding country—and closed forever are those lips on whose accents listening millions have hung with rapture. But from the darkness which rests upon their tombs, there shines a light which will serve as a lamp to the feet of those who are destined to walk in the high road of wisdom, of virtue, and glory. Their memories are embalmed in the affections of twelve millions of free people, and fame, proud of the task, has long since inscribed their names in imperishable characters on the brightest page of man's biography. Let us continue to cherish their memories with unceasing gratitude and affection—to imitate their example—to renew the pledge of fortune, life, and sacred honor, to the cause of our country, by which we shall preserve the beautiful fabric of liberty which we received at their hands, unimpaired, amidst the ruins of time, and the



desolation of empires, and transmit it untarnished to those for whom we hold it in trust.

Your committee would do injustice to their own feelings, and to those of their fellow citizens of the Senate, if they were to withhold the expression of the deep sense of gratitude, and of the exalted respect, which they cherish for the services and character of the only proud and living monument of an age gone by, the honorable Charles Carroll. They beg leave to unite with their countrymen in general in the prayer, that the evening of his life may be as serene and happy as the morning and meridian were useful and glorious.

Your committee beg leave, as an humble but sincere tribute of respect for the memories of John Adams and Thomas Jefferson, and for the character of the Hon. Charles Carroll, to recommend the adoption of the following resolutions:—

*Resolved*, unanimously, by the Senate, with the concurrence of the House of Representatives, That we, the Representatives of the people of Alabama, do and ever shall entertain for the memories of John Adams and Thomas Jefferson, the most sincere and devoted respect.

*Resolved*, That as a tribute of respect to the memory of John Adams and Thomas Jefferson, the members of the present General Assembly will respectively wear crape on the left arm for the space of three months.

*Resolved*, That the 27th day of this month be set apart, for the purpose of paying the last tribute of respect to the memory of John Adams and Thomas Jefferson; that the members will assemble in their respective houses, at the hour of 10 o'clock in the forenoon of said 27th day of December, and march in procession to the court-house in the town of Tuscaloosa.

*And be it further Resolved*, That a joint committee be appointed to procure some fit and suitable person, to pronounce an eulogy on the characters of these distinguished benefactors of their species; and to request some minister of the gospel, to address to the Throne of Grace a prayer suited to this awful and interesting occasion.

*And be it further unanimously Resolved*, That the members of this General Assembly, entertain the most exalted respect for the character, and cherish the deepest gratitude for the services of the honorable Charles Carroll, of Carrollton, the only surviving Signer of the Declaration of American Independence; and that the Governor of this State be requested to inclose to him a copy of these resolutions.

*And be it further Resolved*, That the Governor be, and he is hereby required, to request the Judges of the Supreme Court, and all other officers, civil and military, and the good people of this state, as a testimony of respect for the memory of their deceased fellow citizens, John Adams and Thomas Jefferson, to wear crape on the left arm for the space of three months.

They have appointed a committee on their part to consist of messrs. Barton, Gaines and Casey, to act with such committee as may be appointed on the part of your honorable body, to procure some fit and suitable person to pronounce an eulogy on the characters of John Adams and Thomas Jefferson, and to request some minister of the gospel to address to the throne of grace a prayer suited to this awful and interesting occasion: In which they ask your concurrence.

They concur in the resolution of your hon. body, proposing to go into the election of a Trustee of the University from the sixth judicial

circuit on to-morrow at 12 o'clock. They have read three times and passed, bills which originated in their House, entitled an act to change the times of holding the county courts in Jefferson and Madison counties; and, an act compelling clerks and sheriffs in several counties in this state to keep their offices at their several court houses: In which they desire your concurrence. They have also passed bills which originated in your House, entitled an act to incorporate a body of free-masons at Claiborne, in Monroe county; an act to authorize Sarah Bowie, administratrix of John Bowie, deceased, to sell and transfer certain real estate; and, an act to authorize the judges of the county courts, and commissioners of roads and revenue, of Perry, Franklin and Blount counties to appoint some suitable person to transcribe certain parts of the records of the county courts aforesaid, and have amended the same, by adding Jefferson after Franklin county, wherever the latter word occurs in the bill: in which amendment they ask your concurrence. And then he withdrew. In which resolutions the House concurred.

*Ordered*, That the House concur in the resolution of the Senate appointing a committee on their part, to act with the committee appointed on the part of the Senate, to procure some fit and suitable person to pronounce an eulogy on the characters of John Adams and Thomas Jefferson, and to request some minister of the gospel to address to the throne of grace a prayer suited to this awful and interesting occasion. Whereupon Messrs. M'Vay of Laud, Ross and Greening were appointed said committee.

*Ordered*, that the House concur in the amendments made by the Senate to the engrossed bill entitled an act to authorize the judges of the county courts and commissioners of roads and revenue of Perry, Franklin and Blount counties, to appoint some suitable person to transcribe certain parts of the records of the county courts aforesaid, by adding Jefferson after Franklin county wherever the latter word occurs in the bill.

Engrossed bill to be entitled an act more effectually to secure the compensation allowed by law to jurors therein mentioned, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bills from the Senate of the following titles, to wit: an act compelling clerks and sheriffs in the several counties in this state to keep their offices, at their several court houses; and, an act to change the times of holding the county courts in Jefferson and Madison counties, were severally read a first time, and ordered to be read a second time.

Mr. Perry obtained leave to introduce a bill to be entitled an act to compel the commissioners of the town of Greenville, in Butler county, to transfer all papers relative to the lots of the said town to the judge of the county court and commissioners of roads and revenue of Butler county; which was read a first time, and ordered to be read a second time.

Mr. Ambrister obtained leave to introduce a bill to be entitled an



act to authorize executions and attachments to be levied on growing crops in certain cases; which was read a first time, and ordered to be read a second time.

Mr. Lewis obtained leave to introduce a bill to be entitled an act amendatory of the laws now in force on the subject of bail in civil cases; which was read a first time, and ordered to be read a 2d time.

Engrossed joint resolutions proposing alterations in the constitution so as to have biennial instead of annual sessions of the legislature, was read a third time, and the question being put, shall this resolution pass? it was determined in the affirmative, there being a constitutional majority voting in favor of its passage—Yeas 43, nays 19.

Those who voted in the affirmative are,

Mr. Acklen	Cooper	Exum	McVay of La.	Rhodes
Ambrister	Coleman	Heard	McVay of La.	Laurens
Brown	Davis of Fr.	Harris	Mead	Smith of La.
Bell	Davis of Ja.	Johnson	Martin	Sims
Bradford	Dennis	Jones	Mussey	Terry
Crusher	Dupuy	Lazier	Neill	Weissenger
Barclay	Dubose	McClung	Parham	Walthall—43
Craig	Duke	Monroe of Mad.	Parrell	
Coe	Edmondson	Monroe of Ind.	Ross	

Those who voted in the negative are

Mr. Speaker	Broadax	Edwards	Montgomery	Smith of Hen.
Benson	Crenshaw	Flaker	Pickens	Waldens
Bridges	Dale	Greening	Pickens	Whitfield—19
Bailey	Ellis	Lois	Terry	

Ordered, that the title be as above said. Ordered, that the same be sent to the Senate for their concurrence.

Mr. McClung obtained leave to introduce a bill to be entitled an act to amend an act, passed Dec. 26th, 1810, amending an act passed 13th Nov. 1819, incorporating the town of Triana; which was read a first time, and ordered to be read a second time.

Mr. Bailey obtained leave to introduce a bill to be entitled an act to establish a ferry and appoint commissioners to lay out and mark a road therein named; which was read a first time, and ordered to be read a second time.

Engrossed bill to be entitled an act to establish the militia and patrol laws of this state, as digested by Thomas W. Farrar, and for printing and distributing the same, was laid on the table.

And the question was put on Mr. Crenshaw's motion to amend the rule of this House number 19 in the following manner: "And no clerk or bearer to the Senate of any joint resolution or bill of this House, shall convey or carry the same to the Senate (unless otherwise ordered by the House) until the succeeding day after the passage thereof, and then not until the Speaker has announced that the House is engaged on the orders of the day;" which was lost.

On motion of Mr. Rhodes, Resolved, that the judiciary committee be instructed to inquire into the expediency of disqualifying all constables from holding an office, either civil or military, for a certain

length of time, in case they resign their office of constable in a less time than twelve months from the date of their election.

Mr. Craig moved that the House now take up a bill to be entitled an act to amend the charter of the Bank of the State of Alabama—which was lost—yeas 25, nays 37.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Craig	m'Clung	massey	Rhodes
Bailey	Coe	montgomery	Perkins	Smith of La.
Broadnax	Coopwood	m'Vay of Land	Pickens	Sims
Bradford	Harris	m'Vay of Law	Parham	Terry
Barclay	Lewis	mead	Ross	Williams—25

Those who voted in the negative are

Mr. Acklen	Coleman	Duke	Heard	Neill Perry
Ambrister	Davis of Fr.	Edmondson	Johnson	Powell
Benson	Davis of Ja.	Ellis	Jones	Raney
Bridges	Dale	Edwards	Lawler	Smith of Hen.
Brown	Dennis	Exum	Moore of Mad	Weissenger
Bell	Dupuy	Fluker	moore of Ja	Walthall
Crenshaw	Dubose	Greening	Martin	Whitfield—37

Bills of the following titles, to wit: an act to divorce John Hamblin from Hannah Hamblin; and an act to divorce Kelley S. Small from Nancy Small, were severally read a second time, and ordered to be engrossed for a third reading.

Mr. Harris presented the petition of sundry inhabitants of Washington city, praying the passage of a law restoring to James Hill the full and free exercise, and enjoyment, of all the rights and privileges of citizenship, of which he has been deprived by virtue of the conviction of corn stealing; which was read, and referred to the committee on propositions and grievances.

Mr. Craig moved to spread on the Journals of this House a bill to be entitled an act to amend the charter of the Bank of the State of Alabama; which was carried—Yeas 53, nays 9.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Barclay	Ellis	Moore of Mad.	Rhodes
Acklen	Craig	Exum	M'Vay of Land	Raney
Ambrister	Coe	Fluker	M'Vay of Law	Smith of Henry
Benson	Coopwood	Greening	Mead	Smith of Land.
Bridges	Coleman	Harris	Martin	Terry
Bailey	Davis of Fr.	Johnson	Massey	Williams
Brown	Dale	Jones	Neill	Weissenger
Broadnax	Dennis	Lawler	Perkins	Walthall
Bell	Dupuy	Lewis	Parham	Whitfield—53
Bradford	Duke	M'Clung	Powell	
Brasher	Edmondson	Montgomery	Ross	

Those who voted in the negative are

Mr. Crenshaw	Dubose	Heard	Pickens	Sims—9
Davis of Jack.	Edwards	Moore of Jack.	Perry	

A bill to be entitled an act to amend the charter of the Bank of the State of Alabama.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the act entitled an

act to amend the charter of the Bank of the State of Alabama, passed on the 2d day of January, 1826, be and the same is hereby repealed.

Sec. 2. And be it further enacted, That all joint committees appointed under the 12th section of the charter of said Bank, to examine the state and condition of the same, be and they are hereby authorized and empowered, to examine all accounts of said Bank, and every thing relating to the state and condition of the same.

Sec. 3. And be it further enacted, That the said committee is hereby requested to use all reasonable means in their power to ascertain the true situation of all debts due the said institution, and report to the General Assembly of the state during the session at which time they were appointed or elected.

Sec. 4. And be it further enacted, That it shall be the duty of said committee to communicate to the directors of said institution any and all information coming to their knowledge which the interest of the institution may require.

Sec. 5. And be it further enacted, That nothing in this act shall be so construed as to require the name of any debtor to said Bank to be entered on the Journals of either House, unless directed by a vote of said House.

Sec. 6. And be it further enacted, That this act shall take effect from and after the passage thereof; and that all laws coming within the purview of this act be and the same are hereby repealed.

A bill to be entitled an act authorizing Francis Hamblin, a free man of color, to emancipate his daughter Susan, was then taken up and read a second time, and ordered to be engrossed for a third reading.

Engrossed bill from the Senate, entitled an act to change the mode of paying jurors in the several counties in this state, was then taken up and read a second time. Mr. M'Vay of Laud. moved that the bill lie on the table till the first day of June next; which was agreed to.

Engrossed bill from the Senate, entitled an act amendatory to an act to establish a certain county therein named, and for other purposes; which was read a first time, and ordered to be read a 2d time.

Engrossed bill to be entitled an act to make an appropriation for digesting and revising the militia and patrol laws of this state, as authorized by the General Assembly at their last session, was taken up and read a third time. Mr. Davis of Fr. moved to fill the blank in the bill with the sum of 275, which was lost. Mr. Greening then moved to fill the blank with 250, which was lost—yeas 26, nays 36.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Aiken	Ellis	Heard	Moore of Mad.	Ross
Beason	Edwards	Johnson	Moore of Jac.	Rhodes
Crenshaw	Exum	Lewis	Perkins	Smith of Hen.
Davis, of Fr.	Flaker	M'Clung	Pickens	Sims
Dale	Dennis	Greening	Montgomery	Parham
				Weissenger

Those who voted in the negative are

Mr. Speaker	Bradford	Davis of Jack.	M'Vay of Laud.	Powell
Ambrister	Brasher	Dupuy	M'Vay of Law.	Raney
Bridges	Barclay	Dobose	Mead	Smith of Lau.
Bailey	Craig	Duke	Martin	Terry
Brown	Coe	Edmondson	Massey	Williams
Broadnax	Coopwood	Harris	Neill	Walthall
Bell	Coleman	Jones	Lawler	Perry
				Whitfield

Mr. Ross then moved to fill the blank with 225, which was lost—  
yeas 28, nays 34.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Acklen	Edmondson	Heard	moore of Jack.	Rhodes
Benson	Ellis	Johnson	massey	Smith of Hen.
Crenshaw	Edwards	Lewis	Perkins	Sims
Davis of Fr.	Exum	m'Clung	Pickens	Weissenger 28
Dale	Fluker	montgomery	Powell	
Dennis	Greening	moore of mad.	Ross	

Those who voted in the negative are

Mr. Speaker	Bradford	Davis of Ja.	m'Vay of Laud	Raney
Ambrister	Brasher	Dupuy	m'Vay of Law	Smith of La.
Bridges	Barclay	Dubose	mead	Terry
Bailey	Craig	Duke	martin	Williams
Brown	Coe	Harris	Neill	Walthall
Broadnax	Coopwood	Jones	Perry	Whitfield—34
Bell	Coleman	Lawler	Powell	

Mr. Williams then moved to fill the blank with 200, which was  
carried—yeas 51, nays 11.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Fluker	moore of Jack.	Ross
Acklen	Davis of Fr.	Greening	mead
Benson	Davis of Ja.	Heard	martin
Bridges	Dale	Harris	massey
Bailey	Dennis	Johnson	Neill
Broadnax	Duke	Jones	Lawler
Bell	Edmondson	Lewis	Pickens
Brasher	Ellis	m'Clung	Parham
Barclay	Edwards	montgomery	Perry
Crenshaw	Exum	moore of mad.	Powell

Those who voted in the negative are

Mr. Ambrister	Bradford	Coopwood	Dupuy	Dubose	m'Vay of Law.
Brown	Craig	Coleman	m'Vay of Laud	Sims—11	

The bill was then passed. Ordered, that the title be as aforesaid.  
Ordered, that the same be sent to the Senate for their concurrence.

And then the House adjourned till to-morrow morning, 10 o'clock

Saturday, December 9, 1826.

The House met pursuant to adjournment.

Mr. M'Vay of Laud. from the committee on privileges and elections, to which was referred a resolution of this House instructing them to examine the credentials of the members, reported that they have had the same under their consideration, and are of the opinion that sixty-two members, being the whole number present, have been legally and constitutionally elected members of the House of Representatives; which was concurred in.

Mr. M'Clung, from the judiciary committee, to which was referred a bill to be entitled an act concerning appeals of the county to the circuit courts, and for other purposes, reported the same with sundry amendments; which were concurred in. The bill was then read a second time as amended, and ordered to be engrossed for a third reading.



Mr. M'Clung, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of repealing so much of the 33d section of an act entitled an act concerning wills, and the duty of executors, administrators and guardians, as prohibits any suit or action being commenced or sustained against them after the estate of the testator or intestate be represented insolvent, reported a bill to be entitled an act to repeal in part and amend an act, entitled an act concerning wills, and the duty of executors, administrators and guardians, first passed March 12th, 1803; which was read a first time, and ordered to be read a second time.

Mr. M'Clung, from the judiciary committee, to which was referred a bill to be entitled an act to compel the judges of the county courts in the state of Alabama to transact all business relating to estates in vacation as well as term time; which was read a second time, and ordered to lie on the table.

Mr. M'Clung, from the judiciary committee, to which was referred a bill to be entitled an act directing in what manner and in what courts suits may be brought against the state of Alabama, reported the same with sundry amendments; all of which were concurred in. The bill was then read a second time as amended, and ordered to be engrossed for a third reading.

Mr. M'Clung, from the judiciary committee, to which was referred a bill to be entitled an act regulating appeals from justices of the peace, reported the same with sundry amendments; all of which were concurred in by the House. The bill was then read a second time as amended, and ordered to be engrossed for a third reading.

Mr. M'Clung, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of providing some certain punishment for slaves who may be convicted of manslaughter on slaves, reported a bill to be entitled an act prescribing the punishment of slaves and free persons of color for the commission of the crime of manslaughter on other slaves or free persons of color; which was read a first time, and ordered to be read a second time.

Mr. M'Clung, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of amending the criminal laws of this state, in the trial of capital cases, by curtailing the number of challenges without cause, reported a bill to be entitled an act to authorize the state of Alabama to make preemptory challenges in certain cases; which was read a first time, and ordered to be read a second time.

Mr. M'Clung, from the judiciary committee, to which was referred an engrossed bill from the Senate, entitled an act to prevent the Creek Indians from hunting and trapping within the settled limits of this state, reported the same with sundry amendments. Ordered, that said report lie on the table.

Mr. M'Clung, from the judiciary committee, to which was referred the petition of Robert C. Morrison, administrator of Allen Orr, de-



ceased, *reported* that it is inexpedient to legislate on that subject: in which report the House concurred.

Mr. M'Clung, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of compelling plaintiffs in all cases, at the commencement of any suit by them, to consolidate all their claims which they may have against the defendant of the same nature, at the time of commencing their action, *reported* that it is inexpedient to legislate on that subject. Ordered, that the said report lie on the table.

Mr. Fluker, from the committee on inland navigation, to which was referred the petition of William Whorton and others, reported a bill to be entitled an act to allow William Whorton to erect a mill on Wills creek in St. Clair county; which was read a first time, and ordered to be read a second time.

Engrossed bill to be entitled an act to provide further for the probate of wills in this state, was read a third time. Mr. Moore of Mad. moved to amend the same with the following engrossed rider: "Provided, that in all such cases as above mentioned there shall be public notice given of the time and place when and where such evidence will be taken, and submitted to record, in order that all concerned may attend and cross-examine said witness or witnesses, if they choose; and for that purpose the judge of the county court of the county where the testator last resided permanently before his death, shall determine what number of days notice shall be given to insure justice to all concerned;" which was adopted. The question then being put, shall this bill pass? it was determined in the affirmative. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Barclay obtained leave to introduce a bill to be entitled an act to authorize the Trustees of certain 16th sections in Jackson county to lease them for any number of years; which was read a first time, and ordered to be read a second time.

On motion of Mr. Perkins, *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of compelling the commissioners of roads and revenue, by adequate penalties, to attend the courts that it is made their duty by law to attend, with leave to report by bill or otherwise.

Mr. Moore of Jack. from the select committee to which was referred a bill to be entitled an act to establish an additional election precinct in the county of Antauga, reported the bill with sundry amendments. Ordered, that said report lie on the table.

Mr. Davis of Fr. obtained leave to introduce a bill to be entitled an act to incorporate the town of Russellville, in the county of Franklin; which was read a first time; and ordered to be read a second time.

Mr. Moore of Jack. asked leave to have read a resolution of the state of Tennessee proposing an amendment to the constitution of the United States; which was read, and referred to the same committee to which was referred resolutions of the states of Indiana and Maine on that subject.

Mr. Craig obtained leave to introduce a bill to be entitled an act to reduce into one the several acts giving fees to justices and constables; which was read a first time, and the question being put, shall this bill be read a second time? it was determined in the negative.

Mr. Bridges obtained leave to introduce a bill to be entitled an act to divide the 36th regiment of Alabama militia; which was read a first time, and ordered to be read a second time.

The Speaker laid before the House the record and proceedings of the circuit court of Bibb county, exercising chancery jurisdiction, in the case of Coleman Allen against Rebecca Allen, for divorce; which was read, and referred to the committee on divorce and alimony.

On motion of Mr. Broadnax, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law to cause the grand jurors in each and every county in this state, to be selected and drawn separately from the petit jurors, and to require the sheriffs of each and every county to summon the same within thirty days after they are drawn, and to advertise the names of the jury so summoned at three or more public places in their respective counties.

A message from the Governor by James I. Thornton, Secretary of State; which message is as follows:

*Mr. Speaker*—I am instructed by the Governor to inform your honorable body, that he did on the 8th inst. approve and sign bills of the following titles, to wit: an act to incorporate the town of Decatur in Morgan county; an act to change the names and render legitimate certain persons therein named; an act to alter the state road from Selma to Cahawba by way of the new bridge on Valley creek; an act to declare certain parts of Choctawhatchee and Pea rivers public highways; an act for the relief of Zephaniah Hicks; an act to incorporate the Trustees of Greenville Academy in Butler county; and on this day (9th) an act to provide for taking the census of this state—all of which originated in this House. And then he withdrew.

On motion of Mr. M'Vay of Land, *Resolved*, That the Senate be informed that this House is now ready to receive them in the Representative Hall, for the purpose of electing a Trustee of the University; and that the east end of the Hall be assigned for their reception.

The Senate having repaired to the Hall of the House of Representatives, both Houses then proceeded to the election of a Trustee of the University of Alabama, to fill the vacancy occasioned by the resignation of Clement Billingslea. Dixon H. Lewis and Nimrod E. Benson being in nomination—For Mr. Lewis 34 votes, Mr. Benson 42.

Those who voted for Mr. Lewis are

*Mr. President, Abercrombie, Bagby, Barton, Clay, Gaines, Jackson, of the sen. Mr. Speaker, Bailey, Broadnax, Barclay, Crenshaw, Craig, Coker, Davis of Ja. Dubose, Edwards, Fluker, Heard, Harris, Lauderdale, m' lung, montgomery, moore of mad. mead, Neill, Perkins, Parham, Ross, Rhodes, Caney, Smith of La. Terry, Whitfield—34.*

Those who voted for Mr. Benson are

*Mr. Ashe, Brown, Casey, Crabb, Irwin, Jones, m' Camy, Miller,*

Skinner, and Sullivan, of the senate. Mr. Acklen, Ambrister, Brown, Bell, Bradford, Brasher, Coopwood, Coleman, Davis of Pr. Dennis, Dupuy, Duke, Edmondson, Ellis, Exum, Greening, Johnson, Jones, mode of Jack. m'Vay of Laud. m'Vay of Low. martin. m'Watt, Pickens, Perry, Powell, Smith of Hen. Sims, Williams, Wessinger, Walthall—42.

Mr. Benson having received a majority of votes, Mr. Speaker declared him duly elected Trustee of the University of the 6th judicial circuit of the state of Alabama.

Engrossed bill from the Senate, entitled an act compelling clerks and sheriffs in several counties in this state to keep their offices at their several court houses, was read a second time, and ordered to be read a third time.

A bill to be entitled an act amendatory of the laws now in force on the subject of bail in civil cases, was referred to the judiciary committee.

Bills of the following titles, to wit: an act to amend an act passed Dec. 20th, 1820, amending an act passed 13th Nov. 1819, incorporating the town of Triana; and, an act to compel the commissioners of the town of Greenville, in Butler county, to transfer all papers relative to the lots of the said town, to the judge of the county court and commissioners of roads and revenue of Butler county, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize executions and attachments to be levied on growing crops in certain cases, was referred to the judiciary committee.

Mr. Perkins presented the petition of the officers of the 18th regiment of Alabama militia, praying the passage of a law changing the line between the 17th and 18th regiments, so as to make them nearly equal in point of size and numbers; which was read, and referred to the military committee.

Engrossed bill from the Senate, entitled an act to change the times of holding the county courts in Jefferson and Madison counties, was referred to a select committee, consisting of Messrs. McClung, Martin and Exum.

Mr. M'Vay of Laud. who voted in the majority, moved to reconsider a vote given on ordering a bill to be entitled an act to reduce to one the several acts giving fees to justices and constables, to be read a second time; which was carried. The bill was then ordered to be read a second time on Monday next.

A bill to be entitled an act to establish a ferry, and appoint commissioners to lay out and mark a road therein named, was laid on the table.

On motion of Mr. Smith of La. Resolved, that the judiciary committee be instructed to inquire into the expediency of passing a law to make it the duty of all collecting officers to pay over to the county treasurers such sums of money as may remain in their hands, collected for individuals, after the expiration of a certain time, there to be subject at all times to the demands of legal owners.



Engrossed bill to be entitled an act authorizing Francis Hamblin, a free man of color, to emancipate his daughter Susan, was read a third time. Mr. Greening moved to amend the bill by way of the following engrossed rider: "Provided, that said Susan shall leave the state within twelve months, and shall not return to reside therein;" which was carried—yeas 36, nays 20.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Brasher	Dubose	Moore of Mad.	Perry
Acklen	Crenshaw	Duke	Ellis	mead
Ambrister	Coe	Edwards	Martin	Rhodes
Benson	Campwood	Greening	Massey	Raney
Brown	Coleman	Harris	Noill	Smith of Hen.
Bell	Davis of Fr.	Johnson	Perkins	Smith of La.
Bradford	Dupuy	Lawler	Pickens	Williams
				Winfield-36

Those who voted in the negative are

Mr. Broadnax	Dale	Harker	Montgomery	Powell
Barclay	Dennis	Hend	Moore of Jack.	Terry
Craig	Edmondson	Jones	M'Vay of Laud	Weissenger
Davis of Jack.	Lamm	M'Chung	M'Vay of Law.	Walthall-20

The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned till Monday morning 10 o'clock.

*Monday, December 11, 1826.*

The House met pursuant to adjournment.

Mr. Terry presented the petition of Lewis Tyus, executor of Baxter Smith, deceased, praying the passage of a law to emancipate certain slaves therein named; which was read, and referred to a select committee, consisting of Messrs. Terry, Broadnax and Lewis.

Mr. Moore of Jack. from the committee on enrolled bills, reported that they had examined, and found correctly enrolled, bills of the following titles, to wit: an act authorizing Sarah Bowie, administratrix of John Bowie, deceased, to sell and transfer certain real estate; an act to incorporate a body of free-masons at Claiborne, in Monroe county; and, an act to authorize the judges of the county courts and commissioners of roads and revenue of Perry, Franklin, Jefferson and Blount counties to appoint some suitable person to transcribe certain parts of the records of the county courts aforesaid.

*Ordered*, that Mr. Ellis be added to the select committee to which was referred so much of the Governor's message as relates to the establishment of an Office or Branch of the United States Bank in this state at Mobile.

The House then resolved itself into a committee of the whole, on a joint resolution proposing sundry amendments to the constitution of the state of Alabama—Mr. M'Vay of Laud. in the chair—and after some time spent in the consideration of said resolutions, the committee rose, Mr. Speaker resumed the chair, and Mr. Chairman reported progress, and asked leave to sit again on Saturday next; which was granted.

A message from the Senate by Mr. Crabb their assistant secretary.

Mr. Speaker—The Senate have read three times and passed joint



olutions requiring the banks of Mobile and Tombeckbe to report their situation to the General Assembly; joint resolutions instructing our Senators and Representatives in Congress on the subject of authorizing the sale of the sections No. 16, reserved for the use of schools in this state; and, joint resolutions instructing our Senators and Representatives in Congress, on the subject of exchanging certain lands reserved for the use of schools in this state: In all of which they desire your concurrence. They have also read three times and passed, the bill which originated in your House, entitled an act authorizing the administrator of Wm. M'Alister, deceased, to transfer a certificate therein named; an act to amend an act, entitled an act to establish a permanent seat of justice in the county of Jackson, and for other purposes; an act to divorce Olivia A. Taylor from John Taylor; and, an act to incorporate the Moulton Troop of Cavalry in Lawrence county—and have amended the same by adding thereto an additional section. In which amendment they desire your concurrence. And then he withdrew.

*Ordered*, That the House concur in the amendment made by the Senate to the bill entitled an act to incorporate the Moulton Troop of Cavalry of Lawrence county, by adding thereto an additional section. Mr. Heard obtained leave to introduce a bill to be entitled an act authorizing the citizens of Sommerville to elect a constable; which was read a first time, and ordered to be read a second time.

Mr. Heard, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Tuscaloosa county, exercising chancery jurisdiction, in the case of Morgan Buck against Lavinia Buck, for divorce, reported a bill to be entitled an act to divorce Morgan Buck from Lavinia Buck; which was read a first time, and ordered to be read a second time.

Engrossed joint resolutions from the Senate of the following titles, to wit: joint resolutions requiring the Banks of Mobile and Tombeckbe to report their situation to the General Assembly; joint resolution instructing our Senators and Representatives in Congress on the subject of exchanging certain lands reserved for the use of schools in this state; joint resolution instructing our Senators and Representatives in Congress on the subject of authorizing the sale of the sections No. 16, reserved for the use of schools in this state, were severally read a first time, and ordered to be read a second time.

Bills of the following titles, to wit: an act to repeal in part, and amend an act, entitled an act concerning wills, and the duty of executors, administrators and guardians, first passed March 12th, 1800; an act prescribing the punishment of slaves and free persons of color for the commission of the crime of manslaughter on other slaves or free persons of color; and, an act to authorize the state of Alabama to make peremptory challenges in certain cases, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to allow William Whorton to erect a dam on Wills creek in St. Clair county—Mr. Neill moved to amend

the bill by adding thereto an additional section. *Ordered*, that bill, together with the proposed amendment, lie on the table.

A report of the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law to authorize the removal of property belonging to estates in one county to another; and also to authorize the transfer of all accounts and vouchers in relation to small estates to the county court of the county to which such property may be removed, was then taken up. The question was put on concurring with the report of the committee, which was carried—yeas 50, nays 12.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Crenshaw	Edwards	Moore of Mad.	Powell
Acklen	Craig	Exum	M'Vay of Law.	Ross
Ambrister	Coe	Fluker	Mead	Rhodes
Bridges	Coopwood	Heard	Martin	Raney
Bailey	Coleman	Harris	Massey	Smith of L.
Brown	Dale	Johnson	Neill	Terry
Broadnax	Dupuy	Jones	Perkins	Williams
Bell	Dubose	Lawler	Pickens	Weissenagen
Brasher	Edmondson	Lewis	Parham	Walthall
Barclay	Ellis	Montgomery	Perry	Whitfield

Those who voted in the negative are

Mr. Benson	Davis of Jack.	Greening	M'Vay of Laud.
Bradford	Dennis	M'Clung	Smith of Hen.
Davis of Fr.	Duke	Moore of Jack.	Sims —12

Mr. Moore of Jack. obtained leave to introduce a bill to be entitled an act to repeal in part, and amend an act, entitled an act for the relief of the inhabitants of the first township, range seven, east of the basis meridian of Huntsville, approved Jan. 9th, 1826; which was read a first time, and ordered to be read a second time.

A bill to be entitled an act to authorize the trustees of certain sections in Jackson county to lease them any number of years was read a second time, and referred to a select committee, consisting of messrs. Craig, Barclay and Davis of Ja.

Mr. Acklen obtained leave to bring in a bill to be entitled an act to alter the punishment of forgery and counterfeiting; which was read a first time, and ordered to be read a second time.

Mr. Lawler obtained leave to bring in a bill to be entitled an act to authorize the judge of the county court and commissioners of the venue and roads of Shelby county to levy an extra tax for the purpose of building a jail in said county; which was read a first time, and ordered to be read a second time.

Mr. M'Clung, from the select committee to which was referred an engrossed bill from the Senate, entitled an act to change the venue of the county courts in Jefferson and Madison counties, reported the same with the following amendments: Strike out the words "county" after the word "Jefferson," and insert in lieu thereof the words "and Madison counties." In which report the House concurred.

Mr. Pickens presented the account of William W. Gray, Jr.

Dallas county; which was read, and referred to the committee on accounts.

A bill to be entitled an act to divide the 36th regiment of Alabama militia, was referred to the military committee.

A bill to be entitled an act to establish a ferry and appoint commissioners to lay out and mark a road therein named, was read a second time, and laid on the table until Saturday next.

Mr. Bailey presented the petition of sundry inhabitants of Autauga county, praying the passage of a law authorizing them, in conjunction with the petitioners of Montgomery county, to establish a ferry across the Alabama river at the town of Montgomery; which was read, and laid on the table.

Engrossed bill from the Senate, entitled an act compelling clerks and sheriffs in several counties in this state to keep their offices at their several court houses, was read a third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Engrossed bill to be entitled an act amendatory of an act prescribing the mode of executing original process, was read a third time.—Mr. Coopwood moved that the further consideration thereof be postponed till the 4th day of July next; which was carried—Yeas 31, nays 30.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Bell	Davis of Fr.	Exum	Martin	Powell
Bradford	Davis of Jack.	Greening	Massey	Rhodes
Brasher	Dale	Heard	Neill	Smith of Ga.
Craig	Coe	Dupuy	Jones	Sims
Coopwood	Duke	Lewis	Pickens	Williams
Coleman	Edwards	M'Vay of Law.	Parham	Walthall—31

Those who voted in the negative are

Mr. Speaker	Brown	Edmondson	M'Clung	Ross
Acklen	Broadnax	Ellis	Moore of Mad.	Raney
Ambrister	Barclay	Fluker	Moore of Jac.	Smith of Hen.
Benson	Crenshaw	Harris	M'Vay of Law	Terry
Bridges	Dennis	Johnson	Mead	Weissenger
Bailey	Dubose	Lawler	Perry	Whitfield—30

Engrossed bill to be entitled an act to divorce John Hamblin from Hannah Hamblin, was read a third time.

And then the House adjourned until this evening 3 o'clock.

**Evening Session, 3 o'clock.**—The house met pursuant to adjourn't. The House resumed the consideration of an engrossed bill entitled an act to divorce John Hamblin from Hannah Hamblin; and the question being put, shall this bill pass? it was determined in the negative, there not being a constitutional majority voting in favor of its passage.

Those who voted in the affirmative are,

Mr. Speaker	Bradford	Ellis
Ambrister	Coe	Exum
Bailey	Davis of Ja.	Harris
Broadnax	Dupuy	Lewis
Bell	Edmondson	M'Clung

Montgomery	Powell
Moore of Jac.	Ross
M'Vay of Law	Williams
Neill	Walthall
Parham	Whitfield—25

Those who voted in the negative are

Mr. Benson	Craig	Johanson	Martin	Smith of Hen.
Bridges	Coopwood	Jones	Massey	Smith of La.
Brown	Dennis	Duke Lawler	Pickens	Sims
Crenshaw	Fluker	M'Vay of Lau	Perry	Terry

Engrossed bill to be entitled an act to divorce Kelly Stegall from Nancy Stegall, was laid on the table.

Engrossed bills of the following titles, to wit: an act authorizing the election of certain officers in the town of Greenville, in Butler county; an act to compel the commissioners of the town of Greenville, in Butler county, to transfer all papers relative to the lots of the said town to the judge of the county court and commissioners of roads and revenue in Butler county; engrossed joint resolution of the Senate and House of Representatives of the state of Alabama, disapproving certain resolutions of the legislatures of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, and a resolution of the legislature of New Jersey, recommending a system of foreign colonization; an act to amend an act passed Dec. 20th, 1820, amending an act passed 13th Nov. 1819, incorporating the town of Triana; an act regulating appeals from justices of the peace; an act directing in what manner, and in what courts, suits may be brought against the state of Alabama, were severally read the third time and passed.

Ordered, that the titles be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act concerning appeals from the county to the circuit courts, and for other purposes, was read a third time. Mr. M'Clung moved to amend the bill way of the following engrossed rider: "Sec. 5. Be it further enacted, that it shall be the duty of the sheriff to serve the notice contemplated by this act;"—which was carried. And the question being put, shall this bill pass? it was determined in the affirmative—yeas 50, nays 6.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Barclay	Dupuy	Lewis	Parham
Acklen	Crenshaw	Dubuse	M'Clung	Perry
Ambrister	Craig	Duke	Montgomery	Powell
Bridges	Coe	Edmondson	Moore of Jack.	Ross
Bailey	Coopwood	Edwards	M'Vay of Lau	Rhodes
Brown	Coleman	Exum	M'Vay of Law	Smith of Hen.
Broadnax	Davis of Ja.	Fluker	Massey	Smith of Lau.
Bell	Davis of Fr.	Harris	Neill	Terry
Bradford	Dale	Johnson	Perkins	Williams
Brasher	Dennis	Jones	Pickens	Whitfield-50

Those who voted in the negative are

Mr. Benson	Ellis	Lawler	Martin	Sims	Walthall-6
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Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Moore of Jack. gave notice that on to-morrow he would move to amend the rule No. 19 in the following manner: "And provided further, that on any question which requires two thirds of the votes

to carry it in the affirmative, — shall be considered the minority, and any member exceeding one third in the negative shall be considered a majority on all motions for reconsideration.

It was then to be entitled an act to reduce into one the several acts giving to justices and constables, was referred to a select committee, consisting of Messrs. M'Clung, M'Vay of Laud. Edmondson & Craig. It was then to be entitled an act to incorporate the town of Russellville, state of Alabama, was read a second time, and ordered to be read for a third reading.

Davis presented the petition of sundry inhabitants of Franklin county, praying the General Assembly to memorialize the Congress of the United States on the subject of a donation of certain quarter and half quarter sections of land in said county to the Trustees of Fayette Academy in the county of Franklin; which was read, referred to a select committee, consisting of messrs. Davis of Franklin, Duke, Smith and Craig.

Harris presented the accounts of the clerk of the circuit court of Washington county, the sheriff of said county, and solicitor of the judicial circuit; which were read, and referred to the committee on propositions and grievances.

Williams presented the account of Rolls Perry, which was read and referred to the committee on accounts.

Then the House adjourned till to-morrow morning 10 o'clock.

*Tuesday, December 12th, 1826.*

The House met pursuant to adjournment.

Pickens presented the petition of Wm. B. Allen, praying the passage of a law allowing him additional compensation as late public printer of this State; which was read, and referred to a select committee, consisting of Messrs. Manning, Parham, Weissenger, Harris and Pickens.

Conner presented the petition of John M. Masters, praying the passage of a law remunerating him for timbers furnished for building a causeway; which was read, and referred to the committee on roads, bridges and ferries.

Williams presented the memorial of sundry citizens of the town of Wetumpka, praying the passage of a law to incorporate a Library Company, in and styled of the Tuscaloosa Library Company; which was read, referred to a select committee, consisting of Messrs. Williams, Perkins, Hildfield and Smith of La.

More of Mad. presented the petition of the judge of the county court and commissioners of roads and revenue of Madison county, praying an alteration of the laws relative to paupers; which was read, and referred to the committee on propositions and grievances.

Edmondson, from the committee on roads, bridges and ferries, reported sundry resolutions on the subject of roads, bridges and ferries, and reported a bill to be entitled an act to reduce into one the several acts relating to roads, bridges, ferries and highways; which was read a first time, and ordered to be read a second time.

Edman, from the select committee to which was referred the communication of the Secretary of State, transmitting the bonds and obligations executed by certain citizens and owners of property in the town of Tuscaloosa, to be sold to lots and lands in the corporate limits of said town, to be used for a donation to the State of Alabama, beg leave respectfully to submit the following Report—



Your committee are of opinion that the following bonds or writings obligatory, to wit, John Spencer, William Marr, John J. Weber, Charles Lewen, Thomas Edmond and Hardin Perkins, are absolute and void, as they were given under express stipulation that the legislature of 1825 should locate the seat of government in particular and specified parts of the town of Tuscaloosa; which conditions have not been carried into effect by said legislature, inasmuch as the location of the seat of government in the said town was not confined to any particular section of the same, but was general and co-extensive with its entire limits. Your committee further represent, that they are of opinion, that the remaining bonds, or writings obligatory, to wit, Inge and others, H. W. Collier and others, Thomas Mitchell and W. Collier, not subject to the above exceptions, are nevertheless of legal avail, inasmuch as they were offered as an inducement to the General Assembly to perform certain legislative acts therein specified, which said attempt to influence the decisions of the legislature your committee conceive were contrary to public policy. Your committee are also of opinion, that it is important to the General Assembly to know precisely what dependence may be placed upon donations, and that no movements of the legislature ought to be made either in appropriating said property for the building of a Capitol or in disposing of the same in any other way, until full and ample provision be made for the same to the State of Alabama; or the makers be held under legal obligations to effect the same in a certain specified time. Your committee beg leave therefore to recommend the adoption of the following resolution:

*Resolved*, That a committee of three members be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, whose duty it shall be to receive any deed or deeds, and to lay the same before this General Assembly, which the citizens of Tuscaloosa, or any one or more thereof, or other person, may be disposed to make to any donation or donations to the state of Alabama, to be applied to the building of a State Capitol and other public buildings.

*Ordered*, that said report lie on the table until to-morrow.

Mr. Williams offered the following resolution: *Resolved*, That the committee to which was referred the communications of the Secretary of State in relation to the donations made by the citizens of Tuscaloosa to the State, be further instructed to inquire and to ascertain the true value of the amount of said property, and to receive any advances that may be deemed necessary to complete or secure the same. *Ordered*, That said resolution lie on the table until to-morrow.

Mr. Davis of Fr. from the military committee, to which was referred a bill to be entitled an act to divide the 36th regiment of Alabama militia, reported the same without amendment.

Mr. Bridges offered the following amendment: "And be it enacted, that the field officers of the 15th regiment be, and they be hereby authorized to organize a militia company in the Choctaw

er settlement, in Wilcox county, to consist of a less number of privates than is now required by law to constitute a militia company;" which was carried. The bill was then read a second time as amended, and ordered to be engrossed for a third reading.

Mr. Acklen presented the account of Robert Caruthers, jailor of Madison county, which was read, and referred to the committee on accounts.

Mr. Moore of Mad. from the select committee to which was referred the petition of Rebecca Layman and others, reported a bill to be entitled an act to authorize Ebenezer Byram to sell a certain tract of land on the terms and conditions therein mentioned; which was read a first time, and ordered to be read a second time.

Mr. M'Vay of Laud. obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to incorporate the town of Florence, in the state of Alabama; which was read a first time, and ordered to be read a second time.

A message from the Governor by James I. Thornton, Secretary of State—and then he withdrew. The said message is as follows:

EXECUTIVE OFFICE, Dec 12, 1826.

*The Hon. the Speaker and members of the House of Representatives:*

Gentlemen—The communication which I had the honor to lay before you at the commencement of your present session, only presented in general terms the difficulties to which the Bank of the State of Alabama might be exposed in consequence of the location of a Branch of the Bank of the United States in our principal commercial city. I now take the liberty, but with great deference, to submit such measures of security as have been suggested by long and most anxious reflection on a subject involving so many important considerations. The State has an opportunity, under the charter of the Mobile Bank, to subscribe \$100,000 of the authorized capital, and this amount the Bank is required to reserve for the state for a period of ten years. This subscription, should it be made, will be employed in the usual commercial and transaction business of that institution, and will tend greatly to accommodate at that commanding point, the means necessary to sustain the circulation of the local Banks. The remaining part of the capital, with such increase as the present exigency may require, can be employed at the seat of government, and some favorable point in the Valley of the Tennessee. The establishment of an Office of Discount and Deposit in that part of the state, would only increase the means by which any annoyance of a hostile or conflicting institution might be averted, or rendered perfectly harmless. Much opportunity would be then given to deal in exchange or other business paper.

The Bank at the seat of government might transact partly accommodation and partly commercial business. The office in the Tennessee Valley might be conducted on the same principles, and more or less of the one kind or the other business at both places might be done, as the perfect preservation of the good credit of the Bank would seem to direct. We should thus place ourselves in a situation to occupy the whole ground of commercial transaction from which our Bank must continue to derive most of its security, at least during the crisis which may be now approaching; and still we shall prosecute our original purpose, which consulted the convenience of the people wherever it could be done without sacrifice of our principal objects. The main care at present ought not to be to realize large profits, but content with

such gains as will give us good interest on the public funds, to sustain by accumulated and precautionary munitions, the security of our general operations. It is not deemed necessary to give these views in minute detail. We cannot be endangered by subdivision of our capital when we enlarge the base from which we must derive our defensive resources.

I beg leave also to recommend that a memorial be addressed to the Congress of the United States, that the Secretary of the Treasury should be directed, whenever land is offered for sale in this state, to advise the government of the different kinds of funds which would suit the convenience of the United States, and which might enable this State to redeem its paper before it would be transmitted from the land offices established among us to the Branch of the Bank of the United States. If the State should be able to redeem, with a little intervention of delay as is usual in the transmission of such funds, it is difficult to conceive that any objection would be made to the application.

The Bank of the State is founded upon solid capital, entrusted to the management of those who must principally suffer by its misdirection; and inviting the confidence of others by the most express and inviolable pledges of public faith. Under these circumstances, it cannot be doubted that the State has the power, as it is bound in duty, to sustain its operations.

In difficult conjunctures, bold, or at least decisive, measures are usually found to be most conducive to safety. I would also beg leave to suggest, that an increase of the capital of the Bank, to any extent which our means, and due attention to other objects will permit, would afford facilities at the present moment to preserve the interest and credit of the State Bank, and, by necessary connexion of advantage and security, the other monied institutions would be equally benefited. All which is most respectfully submitted.

I have the honor to be, your ob't serv't,

JOHN MURPHY.

Ordered, that so much of the said message as relates to the State's having an opportunity, under the charter of the Mobile Bank, to subscribe \$100,000 of the authorized capital, be referred to a select committee, to which is referred a resolution to inquire into and report to this House, at what point or place a Branch of the Bank of the State of Alabama could be established best calculated to protect and support the mother institution: and that so much thereof as relates to the establishment of an Office of Discount and Deposit in the Tennessee Valley, be referred to the select committee to which was referred a resolution on that subject: and that so much thereof as relates to memorializing the Congress of the United States on the subject of the sales of public lands, &c. be referred to a select committee—Whereupon Messrs. Greening, Lewis, Terry, M'Clung and Acklen were appointed said committee.

Mr. Martin obtained leave to introduce a bill to be entitled an act to authorize Edward Sims and his associates to open a turnpike road therein named; which was read a first time, and ordered to be read a second time.

A communication from Charles Lewin, proposing to sell Lots No. 241 and 242 in the town of Tuscaloosa, as the site to locate the Capitol of the state, which was read, and laid on the table.

Mr. Rhodes presented the account of Josiah Evans, which was read and referred to the committee on accounts.



Mr. Moore of Jack, moved to amend the rule No. 19 in the following manner: "And provided further, that any question which requires two thirds of the votes given to carry it in the affirmative, any number under two thirds in the affirmative shall be considered the minority; and any number exceeding one third in the negative shall be considered a majority on all motions for reconsideration; which was lost.

Mr. Exum obtained leave to bring in a bill to be entitled an act prescribing the punishment of vagrants; which was read a first time, and ordered to be read a second time.

Mr. Walthall, who voted in the majority, moved to reconsider a vote given on the passage of an engrossed bill to be entitled an act amendatory of an act prescribing the mode of executing original process; which was carried. The bill was then referred to a select committee, consisting of messrs. Crenshaw, Walthall, Acklen & M'Clung.

Engrossed joint resolution instructing our Senators and Representatives in Congress on the subject of authorizing the sale of the sections numbered 16, reserved for the use of schools in this state, was laid on the table.

Engrossed joint resolution from the Senate, requiring the Banks of Mobile and Tombuckbe to report their situation to the General Assembly, was read a second time, and ordered to be read a third time on Monday next.

Engrossed joint resolution from the Senate, instructing our Senators and Representatives in Congress on the subject of exchanging certain lands reserved for schools in this state.

Mr. Craig offered the following amendment: "Provided, the right of location shall not be extended to a different county; which was lost. The bill was then referred to a select committee, consisting of messrs. Smith of Laud, Craig, Ross, Walthall and Duke.

Bills of the following titles, to wit: an act to repeal in part and amend an act, entitled an act for the relief of the inhabitants of the first township, range seven, east of the basis meridian of Huntsville, approved Jan. 9th, 1826; an act to authorize the judge of the county court and commissioners of roads and revenue of Shelby county to levy an extra tax for the purpose of building a jail in said county; an act authorizing the citizens of Sommerville to elect a constable; and, an act to divorce Morgan Buck from Lavinia Buck, were severally read a second time, and ordered to be engrossed for a third reading.

Mr. Coopwood, who voted in the majority, moved to reconsider a vote given yesterday on the passage of an engrossed bill to be entitled an act to divorce John Hamblin from Hannah Hamblin; which was carried. The bill was then ordered to lie on the table.

A message from the Senate by Mr. Crabb their assistant secretary:

Mr. Speaker—The Senate have read three times and passed a bill which originated in their House, entitled an act to amend the laws now in force for the punishment of malicious mischief. They have also read three times and passed bills which originated in your House, entitled an act to divorce Wm. Bryant from Rhodicy Bryant; and, an act to compensate witnesses attending magistrates courts, and have



amended the same by adding thereto an additional section: in which amendment they desire your concurrence. And then he withdrew.

*Ordered*, that the House concur with the amendment.

Ordered, that the House concur with the amendment made by the Senate to the bill to be entitled an act to compensate attending magistrates courts, by adding thereto an additional section

Engrossed bill from the Senate, to be entitled an act to amend laws now in force for the punishment of malicious mischief, was read a first time, and ordered to be read a second time.

Regressed bill from the Senate, to be entitled an act to change times of holding the county courts in Jefferson and Madison counties was read a second time, and the rule requiring bills to be read three several days being dispensed with, it was read a third time for with and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bills of the following titles, to wit: an act to authenticate the state of Alabama to make peremptory challenges in certain cases; an act prescribing the punishment of slaves and free persons of colour for the commission of the crime of manslaughter on other slave free persons of colour; and, an act to repeal in part, amend an act entitled an act concerning wills, and the duties of executors, administrators and guardians, first passed March 12, 1819, were severally read a third time and passed. Ordered, that the same be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to incorporate the town of Russellville, in the state of Alabama, was read a third time. Mr. C. moved to amend the bill by way of the following engrossed rider: "Provided, that nothing in this act shall be construed so as to authorize said corporation to exercise banking powers;" which was carried. The bill was then passed as amended. *Ordered*, that the bill be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A bill to be entitled an act altering the punishment of forgery counterfeiting, was referred to the judiciary committee.

And then the House adjourned till to-morrow morning 10 o'clock

*Wednesday, December 13, 1921*

The House met pursuant to adjournment.

*Mr. Speaker*—The Senate have read three times and passed, which originated in their House, entitled an act to divorce Johnmond from Lizzy Diamond; and, and act the better to define and the compensation of certain public officers therein named, and other purposes: in which they desire your concurrence. They also read three times and passed, bills which originated in your body, entitled an act to amend an act, entitled an act concerning roads, bridges, highways and ferries in the county of Mobile; and to make an appropriation for digesting and revising the militia patrol laws of this state, as authorized by the General Assembly.

their last session; and, an act to provide for the payment of petitioners in certain counties therein named; and have amended the same by inserting the counties of Conecuh and Butler in the manner herewith shewn: in which amendment they respectfully ask your concurrence. And then he withdrew.

Mr. M'Clung, from the committee on ways and means, to which was referred the petition of Batista Serra and Geanty Meagat, praying permission to keep billiard tables for play without wager in the city of Mobile, reported, that said petition is unreasonable, and ought not to be granted. In which report the House concurred.

Mr. M'Clung, from the committee on ways and means, to which was referred a bill to be entitled an act supplementary to the several laws now in force relating to the collection of the revenue, reported the same with sundry amendments; which were concurred in by the House. The bill was then read a second time, as amended, and ordered to be engrossed for a third reading.

Mr. Moore of Jack. from the committee on enrolled bills, reported correctly enrolled, bills of the following titles, to wit: an act to amend an act to establish a permanent seat of justice in the county of Jackson, and for other purposes; an act to divorce Olivia A. Taylor from John Taylor; an act authorizing the administrator of William Alister, deceased, to transfer a certificate therein named; an act to incorporate the Moulton troop of cavalry of Lawrence county; an act to compensate witnesses attending magistrates courts; and, an act to divorce Wm. Bryant from Rhodicy Bryant.

Mr. Heard, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Tuscaloosa county, exercising chancery jurisdiction, in the case of Mary Ducksworth against George Ducksworth for divorce, reported a bill to be entitled an act to divorce Mary Ducksworth from her husband George Ducksworth; which was read a first time, and ordered to be read a second time.

Mr. Ross, from the committee on accounts, to which was referred the accounts of Washam Easley, Elias Hays and John Barron, claiming compensation for attendance on the circuit court of Perry county, as witnesses on the part of the state, reported, that the aforesaid accounts are legally chargeable upon the county, and not upon the state treasury; and ask leave to be discharged from the further consideration thereof; which was granted.

Mr. Ross, from the committee on accounts, to which was referred the accounts of Etheldred Allen, claiming compensation for attending on the circuit court of Perry county, as a witness on the part of the state, reported, that the accounts are not legally chargeable upon the state treasury; and ask leave to be discharged from the further consideration of the same; which was granted.

Mr. Moore of Mad. from the select committee to which was referred the resolution to inquire into the expediency of establishing an office of Discount and Deposit of the Bank of the State of Alabama, some place in the Tennessee Valley, and also so much of the Gov-

ernor's message as relates to that subject, reported a bill to be entitled an act to establish an Office of Discount and Deposit of the Bank of the State of Alabama at ——— in the Tennessee Valley; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Ordered, that the bill lie on the table, and that 100 copies thereof be printed for the use of this House.

Mr. M'Clung, from the committee on ways and means, to which was referred the petition of Sabrina Archer, praying, in behalf of the securities of her deceased husband, the remission of certain parts of a judgment obtained against them in favor of the state, reported a bill to be entitled an act for the relief of the securities of John Archer, deceased; which was read a first time, and ordered to be read a 2d time.

Mr. Ross, from the select committee to which was referred a message from the Governor, or so much thereof as relates to a subscription in behalf of the state for the whole of the stock reserved for the state in the Bank of Mobile, reported a bill to be entitled an act to authorize the Governor to subscribe for the stock reserved for the state in the Bank of Mobile; which was read a first time, and ordered to be read a second time.

Mr. Moore of Jack, from the select committee to which was referred a resolution of the state of Tennessee, proposing an amendment to the constitution of the United States, reported a joint resolution approving the amendment proposed by the state of Tennessee to the constitution of the United States; which was read a first time, and ordered to be read a second time.

Mr. Terry, from the select committee to which was referred the petition of Lewis Tyre, executor of the last will and testament of Baxter Smith, deceased, reported a bill to be entitled an act to emancipate certain slaves therein mentioned; which was read a first time, and ordered to be read a second time.

Mr. Perkins, from the committee on propositions and grievances, to which was referred the petition of sundry citizens of the county of Washington, reported a bill to be entitled an act for the relief of James Hall; which was read a first time, and ordered to be read a second time.

Mr. Perkins, from the committee on propositions and grievances, to which was referred the certificate of the clerk of the circuit court of the county of Washington, presenting the costs for the trial, conviction and execution of a certain Richard Barry, and applying to the state therefor, as the criminal was insolvent, reported, that the claim ought not to be granted; and ask leave to be discharged from the further consideration thereof; which was granted.

Mr. M'Vay of Loud, from the select committee to which was referred a memorial to the Congress of the United States on the subject of the public lands, reported a substitute in lieu thereof; which was read a first time, and ordered to be read a second time.

Mr. Barclay, from the select committee to which was referred a bill to be entitled an act to authorize the trustees of certain 16th sections

in Jackson county to lease them for any number of years, reported the same with sundry amendments; which were concurred in by the House. The bill was then read a second time, as amended, and ordered to be engrossed for a third reading.

Mr. Moore of Jack. from the committee on enrolled bills, reported that they had examined and found correctly enrolled, a bill to be entitled an act to make an appropriation for digesting and revising the militia and patrol laws of this state, as authorized by the General Assembly at their last session.

Mr. Davis of Fr. from the select committee to which was referred so much of the Governor's message as relates to the public lands, reported, that a memorial on that subject is now progressing in the House; and ask leave to be discharged from the further consideration thereof; which was granted.

Mr. Williams, from the select committee to which was referred the memorial of some of the citizens of Tuscaloosa, praying that a law may be passed to incorporate a library company, reported a bill to be entitled an act to incorporate the Tuscaloosa Library Company; which was read a first time, and ordered to be read a second time.

Engrossed bill to be entitled an act to provide for the payment of petit jurors in certain counties therein named, was laid on the table.

Mr. Smith of Laud. obtained leave to introduce a bill to be entitled an act for the publication of the fees of certain officers therein mentioned; which was read a first time, and ordered to be read a second time.

Mr. Terry obtained leave to introduce a joint resolution of the Senate and House of Representatives of the State of Alabama, proposing to purchase from Charles L  win, for the use of the state, his large brick building, situated in the lower town of Tuscaloosa; which was read a first time, and the question being put, shall this resolution be read a second time? it was decided in the affirmative—yeas 32, nays 20.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Bradford	Dubose	Lewis	Perry
Acklen	Crenshaw	Edwards	montgomery	Ross
Benson	Coleman	Greening	moore of Jack.	Smith of Hen.
Bridges	Davis of Fr.	Heard	read	Terry
Bailey	Davis of Ja.	John	massey	Weissinger
Broadnax	Dale	Dennis	Jones	Lawler
			Pickens	Walthall—32

Those who voted in the negative are

Mr. Ambrister	Coe	Exum	m'Vay of Law.	Rhodes
Brown	Coopwood	Fluker	martin	Raney
Bell	Dupuy	Harris	Neill	Smith of Lao.
Brasher	Duke	m'Clung	Perkins	Sims
Barclay	Edmondson	moore of mad.	Parham	Williams
Craig	Ellis	m'Vay of Laud	Powell	Whitfield—20

Mr. Dennis obtained leave to bring in a bill to be entitled an act to appoint commissioners for Covington and Henry counties; which was read a first time, and ordered to be read a 2d time.

Mr. Coopwood obtained leave to bring in a bill to be entitled an act giving persons holding claims against the respective counties of



this state further time to file the same; which was read a first time, and ordered to be read a second time.

Mr. Ross obtained leave to bring in a bill to be entitled an act to aid in the improvement of the port and harbor of Mobile; which was read a first time, and ordered to be read a second time.

The House then proceeded to the orders of the day.

The House took from the table a joint resolution proposing to receive any title deed or deeds as a donation to the state, to be applied to the building of a state capitol and other public buildings.

*Ordered*, that the resolution, together with the proposed amendment, be referred to the judiciary committee.

Engrossed bill from the Senate, entitled an act better to define and fix the compensation of certain public officers therein named, and for other purposes, was read a first time. Mr. Harris moved to lay the bill on the table until the first day of April next, which was lost. The bill was then ordered to be read a second time.

Engrossed bill from the Senate, entitled an act to divorce John Diamond from Lizzy Diamond, was read a first time, and ordered to be read a second time.

A bill to be entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways.

And then the House adjourned until this evening 3 o'clock.

*Evening Session, 3 o'clock.*

The House met pursuant to adjournment.

A bill to be entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, was laid on the table.

Bills of the following titles, to wit: an act to authorize Ebenezer Byram to sell a certain tract of land on the terms and conditions therein mentioned; an act to amend an act entitled an act to incorporate the town of Florence, in the state of Alabama, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act authorizing William Whorton of St. Clair county to erect mills, &c. on Wills creek, was then taken up, and read a second time, and ordered to be engrossed for a 3d reading.

A message from the Governor by James I. Thornton, secretary of state, which he handed in at the Speaker's chair: and then he withdrew. Said message is as follows:

EXECUTIVE DEPARTMENT, Dec. 13th, 1826.

*The Hon. the Speaker and members of the House of Representatives.*

Gentlemen—I have now the honor to transmit a statement of the improvements at the salt works in this state.

I have the honor to be, most respectfully, your ob't serv't,

JOHN MURPHY.

*Ordered*, that so much of said message as relates to the salt springs be referred to the select committee heretofore appointed on that subject; and that so much thereof as relates to the military, be referred to the military committee.

James F. Roberts, a member from the county of Baldwin, appeared, was qualified, and took his seat.

A bill to be entitled an act prescribing the punishment of vagrants, was referred to the judiciary committee.

Engrossed bill from the Senate, entitled an act to amend the laws now in force for the punishment of malicious mischief. Mr. Crenshaw moved that the further consideration of said bill be indefinitely postponed; which was lost. Mr. Williams then moved to refer the bill to the judiciary committee; which was lost. Mr. Davis of Fr. then moved to refer the bill to the committee on propositions and grievances; which was lost. It was then read a second time, and ordered to be read a third time.

A bill to be entitled an act to authorize Edward Sims and his associates to open a turnpike road therein named, was referred to the committee on roads, bridges and ferries.

Engrossed bills of the following titles, to wit: an act to divide the 30th regiment of Alabama militia; an act to repeal in part, and amend an act, entitled an act for the relief of the inhabitants of the first township, range seven, east of the basis meridian of Huntsville, approved Jan. 9th, 1826; an act to authorize the judge of the county court and commissioners of roads & revenue of Shelby county to levy an extra tax for the purpose of building a jail in and for said county; an act authorizing the citizens of Sommerville to elect a constable, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to divorce Kelly Stegall from Nancy Stegall, was read a third time, and the question being put, shall this bill pass? it was determined in the affirmative, there being a constitutional majority voting in favor of its passage—yeas 45, nays 12. Those who voted in the affirmative are

Mr. Speaker	Barclay	Edmondson	Moore of Jack.	Rhodes
Acklen	Craig	Ellis	M'Vay of Law.	Raney
Ambrister	Coe	Esom	Mead	Roberts
Bailey	Coopwood	Heard	Martin	Smith of Hep.
Brown	Davis of Fr.	Harris	Massey	Sims
Broadnax	Davis of Jack.	Johnson	Neill	Terry
Bell	Dale	Lewis	Parham	Williams
Bradford	Dubose	M'Clung	Powell	Walthall
Brasher	Dupuy	Montgomery	Ross	Whitfield—43

Those who voted in the negative are

Mr. Bridges	Duke	Jones	Pickens
Coleman	Edwards	Lawler	Perry
Dennis	Fluker	M'Vay of Land	Smith of Lau. —12

*Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to divorce Morgan Buck from Lavinia Buck, was read a third time, and the question being put, shall this bill pass? it was determined in the affirmative, there being a constitutional majority voting in favor of its passage—Yeas 44, nays 14.

Those who voted in the affirmative are,

Mr. Speaker	Brasker	Dubose	Montgomery	Ross
Acklen	Barclay	Edmondson	Moore of Joe.	Rhodes
Abrister	Craig	Ellis	McVay of Law	Raney
Benson	Coe	Exum	Mead	Roberts
Bailey	Coopwood	Heard	Martin	Smith of Hen.
Brown	Davis of Fr.	Harris	Massey	Williams
Bell	Davis of Ja.	Johnson	Neill	Walthall
Broadnax	Dale	Lewis	Parham	Whitfield-44
Bradford	Dupuy	McClung	Powell	

Those who voted in the negative are

Mr. Bridges	Duke	James	Pickens	Sims
Coleman	Edwards	Lawler	Perry	Terry-14
Dennis	Fluker	McVay of Lau	Smith of La.	

Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

And then the House adj'd until to-morrow morning 10 o'clock.

Thursday, December 14, 1826.

The House met pursuant to adjournment.

A message from the Senate by Mr. Crabb their assistant secretary.

Mr. Speaker—The Senate have read three times and passed, a bill which originated with themselves, entitled an act to emancipate certain slaves therein named; and bills which originated with your hon. body, entitled an act to establish a certain road therein designated, which they have amended by the addition of an engrossed rider; and, an act supplementary to the several acts heretofore passed in relation to the county court for the county of Mobile, and for other purposes, which they have amended as herewith shewn: in all which they ask your concurrence. They have also read three times and passed, a bill which originated with your hon. body, entitled an act to authorize the county court of Wilcox county to levy an extra tax. And then he withdrew.

A message from the Governor by James I. Thornton, secretary of state. Mr. Speaker—I am instructed by the Governor to inform your hon. body, that he did on the 12th inst. approve and sign bills of the following titles, to wit: an act to incorporate a body of free-masons at Claiborne in Monroe county; an act authorizing Sarah Bowie, administratrix of John Bowie, deceased, to sell and transfer certain real estate; an act to authorize the judges of the county courts and commissioners of roads and revenue of Perry, Franklin and Blount counties to appoint some suitable person to transcribe certain parts of the records of the county courts aforesaid: and on the 13th instant, an act to make an appropriation for digesting and revising the militia and patrol laws of this state, as authorized by the General Assembly at their last session; all of which originated in this House. And then he withdrew.

Ordered, that the House concur with the amendments made by the Senate to the bill entitled an act to establish a certain road therein designated, by adding thereto the following engrossed rider: "And provided further, that no person liable to work on roads in Dallas county shall be required to work a greater number of days in opening



or keeping in repair that part which passes through the said county than may be required of those who reside in Wilcox county."

Engrossed bill to be entitled an act supplementary to the several acts heretofore passed in relation to the county court for the county of Mobile, and for other purposes, was laid on the table.

Mr. Jones presented the petition of sundry inhabitants of Bibb county, praying the passage of a law of incorporation in the name and style of the "Moral Society of Bibb county; which was read, and referred to the judiciary committee.

Mr. Perry presented the petition of Wm. Payne, sheriff of Butler county; which was read, and referred to the committee on accounts.

Mr. Mead presented the petition of sundry inhabitants of Blount county, praying the passage of a law to incorporate the town of Blountsville, in said county, as also a counter petition on that subject, which were severally read, and referred to a select committee, consisting of messrs. McClung, Moore of Jack. and Barclay.

Mr. Benson presented the account of John Moody, jailor of Montgomery county; which was read, and referred to the committee on accounts.

Mr. Ross presented the memorial of sundry inhabitants of the city and county of Mobile, praying the passage of a law remunerating the sheriff of said county for extraordinary services; which was read, and referred to the judiciary committee.

Mr. Montgomery presented the memorial of Thomas A. Harty, tax collector of Mobile county, praying the passage of a law giving him further time for the collection of the taxes of said county; which was read, and referred to a select committee, consisting of Messrs. Montgomery, Ross, Roberts and Harris.

Mr. Ellis presented the memorial of Grantland & Robinson, praying the passage of a law extending the time for publishing the laws and journals of this state, which was read and referred to the committee on propositions and grievances.

Mr. Perry presented the petition of sundry inhabitants of Wilcox county, praying the passage of a law to attach part of said county, to Butler county; which was read and referred to a select committee, consisting of Messrs. Perry, Bridges, and Crenshaw.

Mr. Dubose presented the petition of William Waller, praying the passage of a law to emancipate certain slaves therein named; which was read and referred to a select committee, consisting of Messrs. Dubose, Montgomery and Harris.

Mr. Parham presented the petition of sundry inhabitants of the town of Tusculumbia, as also the county of Franklin, praying the passage of a law to incorporate a steam boat company; which was read and referred to a select committee, consisting of Messrs. Parham, Davis of Frank and Smith of Laud.

Mr. Parham presented the petition of Isaac Winston, administrator of Caleb B. Jones, dec. praying the passage of a law to authorize him to sell certain real estate therein named; which was read and referred to a select committee, consisting of Messrs. Parham, Craig, Davis of Frank. and Williams.

Mr. Dubose presented the account of John Hanes; which was read, and referred to the committee on accounts.

Mr. Ross, from the committee on accounts, to which was referred the ac-



count of Overton Harris, of Autauga county, claiming compensation for keeping and receiving John Owen, a prisoner of said county, reported that the committee are not aware of the existence of any law that would authorize the payment of the same out of the state treasury, and ask leave to be discharged from the further consideration of the same, which was granted.

Mr. Ross, from the committee on accounts, to which was referred the account of William H. F. Wheeler, of Jackson county, claiming compensation for sustenance furnished a guard, to guard William Black and Marcus Black, prisoners in said county, reported that said account is legally chargeable upon the county, and not the state treasury, and asked leave to be discharged from the further consideration of the same, which was granted.

Mr. Ross, from the committee on accounts, to which was referred the account of Aaron Redus, of Limestone county, claiming compensation for receiving into the jail of the county aforesaid, and releasing therefrom, Jeremiah Taylor, reported that said account is not chargeable upon the state treasury; and ask leave to be discharged from the further consideration thereof, which was granted.

Mr. Ross, from the committee on accounts, to which was referred the accounts of Wm. Sims and W. Graydon, claiming compensation for services as coroner and acting constable, also cost in certain cases against the state, reported that said accounts are not legally chargeable upon the state treasury, and ask leave to be discharged from the further consideration of the same, which was granted.

Mr. Heard, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Bibb county, exercising chancery jurisdiction in the case of Coleman Allen against Rebecca Allen for divorce, reported a bill to be entitled—*an act to divorce Coleman Allen from his wife Rebecca Allen*, which was read a first time and ordered to be read a second time.

On motion of Mr. Moore of Jackson, *Resolved*, with the concurrence of the senate, that a committee be appointed on the part of this House, consisting of five members, to act with such committee as may be appointed on the part of the senate, to examine and select two or more of the most eligible sites for a state house, within the corporate limits of the town of Tuscaloosa, and report such sites by some description by which they may be known or designated, also to inquire into, and report, where any lot or lots of land, which may have been donated within said town to the state, or for its use, on which to erect public buildings, or to be appropriated to defray the expenses of erecting public buildings may lie, their size, &c. Also, to inquire into, and ascertain, where one hundred acres of land lies, which has been donated for public purposes as aforesaid, and report its metes, and bounds, and quality; with power to call on such persons, and for such papers, charts, &c. as may be necessary to furnish them with information to make such report as is contemplated in this resolution. Whereupon, Messrs. Moore of Jack. Terry, Johnson, Coleman, and Weissinger, were appointed said committee.

On motion of Mr. Broadnax, *Resolved*, That the Speaker be requested to invite the reverend Bishops Roberts and Soule, to preach in the Hall of the House of Representatives on next Sabbath.

On motion of Mr. Coopwood, *Resolved*, That the committee on accounts be instructed to enquire into the expediency of revising and amending the laws of this state in relation to accounts and claims, so as plainly to distinguish between accounts payable out of the county and state treasuries.

Engrossed bill from the senate, entitled—*an act to emancipate certain*

slaves therein named, was read a first time, and ordered to be read a second time: a bill to be entitled, an act to appoint commissioners for Covington and Henry counties, in place of certain persons therein named, was referred to a select committee, consisting of Messrs. Dennis, Smith of Henry, and Greening: a bill to be entitled, an act to authorize the governor to subscribe for the stock reserved for the state in the bank of Mobile, was referred to the committee on the state bank. Engrossed bill from the Senate, entitled, an act to divorce John Diamond from Lizzy Diamond, was read a second time, and ordered to be read a third time.

Bills of the following titles, to wit: an act to incorporate the Tuscaloosa Library Company: an act giving further time to persons holding claims against their respective counties to file the same: an act to divorce Mary Duckworth from her husband George Duckworth: and an act for the relief of James Hall, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled, an act for the publication of the fees of certain officers therein mentioned, was referred to the judiciary committee: a bill to be entitled, an act for the relief of the securities of John Archer, dec'd: was laid on the table. *Ordered*, That the House concur in the amendments made by the Senate to the bill entitled, an act to provide for the payment of petit jurors in certain counties therein named: by adding after the word "Dallas," in the first section of the bill, the word "Conceh."

Engrossed bill from the Senate, entitled, an act the better to define and fix the compensation of certain public officers therein named, and for other purposes.

Mr. Coopwood moved that the further consideration thereof be postponed until the third Monday in November next: which was carried; Yeas 38, Nays 28.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Coleman	Heard	Martin	Smith of Hen.
Brown	Dugay	Harris	Massey	Smith of Land.
Broadnax	Dubose	Johnson	Neill	Sims
Beal	Duke	Jones	Pickens	Williams
Bradford	Edmondson	Lawler	Parham	Weissenger
Brister	Edwards	Lewis	Perry	Walthall—38
Barclay	Exum	M'Vay of Land	Powell	
Coopwood	Fluker	M'Vay of Law	Roberts	

Those who voted in the negative are

Mr. Acklen	Craig	Ellis	Moore of Jac.	Raney
Ambrister	Coe	Greening	Mead	Terry
Benson	Davis of Jack.	M'Chung	Perkins	Whitfield—28
Bridges	Dale	Montgomery	Ross	
Crenshaw	Dennis	Moore of Mad.	Rhodes	

Engrossed bill from the Senate, entitled, an act to amend the laws now in force for the punishment of malicious mischief, was laid on the table.

A joint resolution of the Senate and House of Representatives of the state of Alabama, proposing to purchase from Charles Lewin, for the use of the state, his large brick building, situated in the lower town of Tuscaloosa, was ordered lie on the table.

A communication from Wm. L. Adams to Charles Lewin, on the subject of Lewin's lots in the lower town of Tuscaloosa, was read and laid on the table.

Engrossed bill, entitled—an act supplementary to the several laws now in force, relating to the collection of the revenue, was referred to the committee on ways and means.

Engrossed bills of the following titles, to wit: an act to amend an act entitled an act, to incorporate the town of Florence in the state of Alabama: an act to authorize Ebenezer Bynam to sell a certain tract of land on the terms and conditions therein mentioned: an act to allow William Thornton to erect a mill on Wils creek in St. Clair county: and an act to authorize the trustees of certain 16th sections in Jackson county, to lease them for any number of years not exceeding twenty, were severally read a third time and passed. *Ordered*, That the titles be as aforesaid. *Ordered*, That the same be sent to the senate for concurrence.

On motion of Mr. Mead, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the law, requiring licenses for retailing spirituous liquors, making it the duty of the clerks of the county courts, to inform the solicitor of their respective counties, of all such persons as they may know is selling or has sold, such liquors without license.

A bill to be entitled—an act to emancipate certain slaves therein named. Mr. Coopwood offered the following amendment—"Provided that said slaves leave this state within twelve months, and never return to reside therein." Mr. Terry then moved to amend the amendment by striking out "twelve months," and insert in lieu thereof three years; a division of the question being called for, the vote was first taken on striking out "twelve months," which was carried. The question was then put, on the adoption of Mr. Coopwood's amendment, as amended, and carried. The bill was then read a second time as amended, and ordered to be engrossed for a third reading.

On motion of Mr. Craig, *Resolved*, That the judiciary committee be instructed to inquire into the policy and expediency of so altering the laws now in force, regulating the retailers of spirituous liquors, so as to allow any person to sell the same in any quantities not less than one quart.

A memorial of the Senate and House of Representatives of the State of Alabama to the Congress of the United States, in relation to the public land debt was laid on the table.

Mr. Lawler obtained leave to bring in a bill to be entitled—an act to establish a road from Montevallo to Greensborough, which was read a first time, and ordered to be read a second time.

A joint resolution approving the amendment proposed by the state of Tennessee, to the constitution of the United States, was referred to the judiciary committee. And then the House adjourned till to-morrow morning 10 o'clock.

Friday, Dec 15, 1826.

The House met pursuant to adjournment. A message was received from the Governor by James I. Thornton, Secretary of State, which he handed in at the speaker's chair; and then he withdrew. Said message is as follows:

EXECUTIVE DEPARTMENT, Dec. 14, 1826.

The Hon. Samuel W. Oliver, Speaker of the House of Representatives:

Sir—I have the honor to request you to lay before the House in which you preside, the memorial of Seth Hunt, (which I have just received,) together with the copy of a letter received by this department from Mr. Hunt.

I am, most respectfully, your obedient serv't,

JOHN MURPHY.

*Ordered*, That the same together with the accompanying documents, be referred to the select committee heretofore appointed on the salt springs.

Mr. Lawler presented the petition of sundry inhabitants of Shelby county, praying the passage of a law to change the route of the state road in such manner, so as not to run through the farm of William Hughes, which was read and



referred to a select committee, consisting of Messrs. Lawler, Walthall and Massey.

Mr. Ellis presented the petition of Thomas Maxwell, praying the passage of a law, to legitimate a certain person therein named, which was read and referred to a select committee, consisting of Messrs. Ellis, Perkins, Williams, & Whitfield.

Mr. Ross presented the memorial of Thaddeus Sandford and Wm. W. Stone, praying the passage of a law to incorporate a company by the name of the "Alabama and Tennessee canal company," which was read and referred to a select committee, consisting of Messrs. Ross, Lewis, Greening, Broadnax, Pickens, Bridges and Dale.

Mr. Edmonson, from the committee on roads, bridges and ferries, to which was referred a bill to be entitled—an act to authorize Edward Sims and his associates to open a turnpike road therein named, reported the same without amendment. The bill was then laid on the table.

On the motion of Mr. Massey, *Resolved*, That a select committee be appointed to inquire into the expediency of establishing a tobacco inspection in this state, and report by bill or otherwise. Whereupon, Messrs. Massey, Coffeen and Lawler were appointed said committee.

Mr. Moore of Jack, from the committee on enrolled bills, reported that they had examined and found correctly enrolled a bill which originated in this house, entitled—an act to amend an act entitled an act, concerning roads, highways, bridges and ferries.

Mr. Perkins, from the committee on propositions and grievances, to which was referred the petition of David Leach, reported a bill to be entitled—an act authorizing David Leach to emancipate a certain slave then in bondage; which was read a first time, and ordered to be read a second time.

*Ordered*, That Mr. Neill have leave of absence from the house until Monday next.

Mr. Moore of Jack, from the select committee to which was referred a joint resolution of the state of Indiana, disapproving the amendment proposed by the state of Tennessee, to the constitution of the United States: Also, a resolution of the state of Maine, against the amendment to the constitution proposed by Tennessee, reported, that they ask leave to be discharged from the further consideration of said resolutions, as they have made a sufficient expression on that subject, in their resolutions reported, approving of the resolutions of Tennessee, alluded to in the said resolutions of the state of Indiana and Maine, which was granted. *Ordered*, That the said resolutions be referred to the judiciary committee, to consider and report thereon.

Mr. Greening, from the select committee to which was referred so much of the governor's message of the 12th inst. as relates to the deposits in the Branch Bank of the United States, reported a memorial to congress in relation to the public deposits in the branch bank of the United States at Mobile, which was read a first time; and the rule which requires bills to be read on three several days, being dispensed with, it was then read a second time forthwith, and ordered to be engrossed for a third reading. *Ordered*, That so much of the governor's message as relates to the increase of the capital stock of the bank of the state of Alabama, be referred to a select committee: Whereupon Messrs. Greening, Ross, Lewis, McClung, and Moore of Mad. were appointed said committee.

Mr. Greening, from the select committee, to which was referred the petition of William B. Allen, reported a bill to be entitled—an act for the relief of Wm. B. Allen, which was read a first time, and ordered to be read second time.



Mr. Perkins from the select committee, to which was referred the petition of sundry inhabitants of Tuscaloosa county, reported a bill to be entitled—*an act to put part of Byler's road under the jurisdiction of the county court of Tuscaloosa*; which was read a first time, and ordered to be read a second time.

Mr. Moore of Madison, obtained leave to introduce a bill to be entitled—*an act supplementary to an act, to establish a state university*, which was read a first time, and ordered to be read a second time.

Mr. Roberts obtained leave to bring in a bill to be entitled—*an act supplementary to an act, for the government of the port and harbor of Mobile*, which was read a first time, and ordered to be read a second time.

A memorial to the Congress of the United States on the subject of the public lands, was then taken up, and referred to a select committee, consisting of Messrs. Benson, Craig, Moore of Jack. Smith of Laud. and Moore of Jack. to consider and report thereon.

The house then proceeded to the orders of the day. A bill to be entitled—*an act to establish a road from Montevallo to Greensborough*, was referred to a select committee, consisting of Messrs. Lawler, Walthall and Coopwood.

Engrossed bill to be entitled—*an act to incorporate the Tuscaloosa Lumber company* was read a third time.

Mr. Smith of Laud. moved to amend the bill, by way of the following engrossed rider: *Provided that nothing herein contained, shall be so construed as to authorize said corporation to exercise banking powers, which was added to the bill* was then passed as amended. Ordered, That the title be as aforesaid. Ordered, That the same be sent to the Senate for their concurrence.

A message from the governor by James I. Thornton, secretary of the Board of Commissioners, which he handed in at the Speaker's chair; and then he withdrew. Said message is as follows:

EXECUTIVE DEPARTMENT, Dec. 14, 1837.

*The Hon. the Speaker and members of the House of Representatives:*

Gentlemen—I have the honor to transmit you the report of the Commissioners appointed on the part of this State, agreeably to your resolution of the last session to adjust with the state of Mississippi the accounts remaining unsettled between the two states.

I have the honor to be, most respectfully, your ob't serv't,

(Signed)

JOHN MURPHY

Ordered, That said message, together with the accompanying documents referred to the select committee heretofore appointed on that subject.

Engrossed bills of the following titles, to wit: *an act giving further relief to persons holding claims against their respective counties, to file the same*; *an act to emancipate certain slaves therein mentioned*; and *an act for the relief of James Hall*, were severally read a third time and passed. Ordered, That the titles be as aforesaid. Ordered, That the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate, entitled, *an act to emancipate certain persons therein named*, was ordered to lie on the table.

Engrossed bill from the Senate, entitled, *an act to amend the laws relating to the punishment of malicious mischief*, was taken up and read a first time.

Mr. Weissenger moved to amend the bill by way of the following engrossed rider, "and be it further enacted, that this act be only in effect and in force in the county of Jackson." Mr. Mead moved to amend the amendment by adding "Blount." Mr. Smith of Laud. moved further to amend the amendment by adding "Lauderdale;" Mr. Massey moved further to amend the amendment

it, by adding "St. Clair." The question was then put, on the adoption of Weissenger's amendment, as amended; which was lost. Mr. Perkins moved to amend the bill, by way of the following engrossed rider: *Provided*, that, when a wilful violation of this act, or the act that this amends, is given, malice shall be inferred; which was lost. The bill was then passed.

*Ordered*, That the Clerk acquaint the Senate therewith.

A bill to be entitled—an act to aid in the improvement of the port and harbor of Mobile, was laid on the table.

Mr. McVay, of Laud. from the joint committee of the two Houses to which referred the joint resolutions for paying the last tribute of respect to the memory of John Adams and Thomas Jefferson, reported that they have appointed the Hon. Arthur P. Bagby, to pronounce an eulogy on the lives and characters of the illustrious deceased; and the rev. Robert M. Cunningham to read a prayer to the Throne of Grace, adapted to the solemn occasion, at *Methodist Church*, in the town of Tuscaloosa, at 12 o'clock, m. on Wednesday the 27th instant, pursuant to the 4th resolution; and that the *Order of Procession*, directed by the first resolution, will be published in the *Alabama Sentinel*, for the information of all who may be disposed to unite with public authorities in this interesting solemnity; in which report the House concurred.

On motion of Mr. Davis, of Franklin, *Resolved*, That the committee on Internal Navigation, be instructed to inquire into the expediency of establishing a Board of Commissioners, who shall be authorized to open books for the subscription of stock, for the purpose of improving the navigation of the muscogeochee shoals by canalling or otherwise; also, what is called Colbert's shoals; allowing said stockholders to receive for a certain number of years, a certain toll on all craft passing said shoals, through said canal sluices, &c. allowing the state to subscribe a certain quantity of stock in said company, reserving to the state of Alabama, after a certain period of years, to demand and receive from each stockholder, by paying them the selling price of stock, the whole of the stock of said company.

A bill to be entitled—an act to divorce Coleman Allen from his wife Rebecca Allen, was read a second time, and ordered to be engrossed for a third reading.

Engrossed bill from the Senate, entitled, an act to divorce John Diamond from Lizzy Diamond was read a third time, and the question being put, shall this bill pass, it was determined in the affirmative, there being a constitutional majority voting in favor of its passage—yeas 51 nays 9.

Those who voted in the affirmative are:

Mr. Speaker	Brasher	Edmondson	m'Clung	Powell	
McKien	Barclay	Ellis	montgomery	Ross	
Ambrister	Crenshaw	Edwards	moore of mad.	Rhodes	
Wenson	Craig	Coe	Exum	moore of Jack.	Raney
Bridges	Coopwood	Fluker	m'Vay of Law.	Roberts	
Bailey	Davis of Fr.	Greening	mead	Smith of Hen.	
Brown	Davis of Ja.	Heard	martin	Terry	
Broadnax	Dale	Harris	massey	Williams	
Bell	Dupuy	Johnson	Pickens	Walthall	
Bradford	Dubose	Lewis	Parham	Whitfield—51	

Those who voted in the negative are

Mr. Coleman	Duke	Lawler	Perry	Weissinger—9
Dennis	Jones	m'Vay of Laud	Perkins	

*Ordered*, that the Clerk acquaint the Senate therewith.

Engrossed bill to be entitled, an act to divorce Mary Ducksworth from her husband George Ducksworth, was laid on the table.

Ordered, that Mr. Greening be added to the select committee heretofore appointed on the Creek Treaty—and then the House adjourned until tomorrow morning 10 o'clock.

*Saturday, December 16, 1826.*

The House met pursuant to adjournment.

Mr. Montgomery presented the petition and account of Ebenezer Johnson, together with the petition of sundry citizens of Mobile county; which were severally read, and referred to the committee on accounts.

Mr. Broadnax presented the petition of sundry inhabitants of Autauga county, praying that the prayer of a petition of sundry inhabitants of Montgomery county on the same subject may not be granted; which was read, and laid on the table.

Mr. Terry presented the memorial of Peyton Bish, to prevent the passage of a road law now in progress before the House: which was read, and laid on the table.

Mr. Dubose presented the petition of sundry inhabitants of Monroe county, praying the passage of a law to attach part of said county to Clarke county; which was read, and referred to the committee on county boundaries.

Mr. Dubose presented the account of Horatio Dade, jailor of Clarke county; which was read, and referred to the committee on accounts.

Mr. M'Clung, from the judiciary committee, to which was referred the petition of the Moral Society of Bibb county, reported, that the prayer of said petitioners is unreasonable, and ought not to be granted. Ordered, that said report lie on the table till the first day of June next.

Mr. M'Clung, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of compelling the commissioners of roads and revenue, by adequate penalties, to attend the courts that it is made their duty by law to attend, reported, that it is inexpedient to legislate on the subject; and beg leave to be discharged from the further consideration of said resolution; which was granted.

A message from the Senate by Mr. Crabo their assistant secretary.

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that they have concurred in the amendment you made to a bill which originated with them, entitled an act to change the times of holding the county courts in Jefferson and Madison counties. They have also read three several times and passed, a bill which originated with your honorable body, to be entitled an act to amend an act, passed December 20th, 1820, amending an act passed 13th November, 1819, incorporating the town of Triana, and have amended the same as herewith shewn: in which amendment they desire your concurrence. They have also read three several times and passed, bills from your honorable body, to be entitled an act authorizing the election of certain officers in the town of Greenville, in Butler county; an

act to compel the commissioners of the town of Greenville, in Butler county, to transfer all papers relative to the lots of the said town, to the judge of the county court and commissioners of roads and revenue of Butler county; and, an act more effectually to secure the compensation allowed by law to jurors therein mentioned. They have also read three several times and passed, a bill which originated in their body, entitled an act for the relief of Andrew O. Horn: to which they also desire your concurrence. And then he withdrew.

Mr. M'Clung, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of allowing plaintiffs to discontinue their suits against one or more defendants upon joint actions of assumpsit against two or more defendants, in all cases, reported a bill to be entitled an act to authorize plaintiffs to discontinue their actions against one or more defendants in all actions of assumpsit; which was read a first time, and ordered to be read a second time.

Mr. M'Clung, from the judiciary committee, to which was referred a bill to be entitled an act to authorize executions and attachments to be levied on growing crops in certain cases, reported the bill without amendment. It was then read a second time, and ordered to be engrossed for a third reading.

Mr. M'Clung, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of disqualifying all constables from holding any office, either civil or military, for a certain length of time, in case they resign their office of constable in a less time than twelve months from the date of their election, reported, that it is unnecessary to legislate on the subject; and ask leave to be discharged from the further consideration of the same; which was granted.

Mr. M'Clung, from the judiciary committee, to which was referred a bill to be entitled an act for the publication of the fees of certain officers therein mentioned, reported the same without amendment. The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr. M'Clung, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of amending the law requiring licenses for retailing spiritous liquors, making it the duty of clerks of the county court to inform the solicitor of their respective counties of all such persons as he may know of selling such liquors without licenses, reported, that it is unreasonable to impose such additional duties on the clerks; and beg leave to be discharged from the further consideration of the same. Ordered, that said report lie on the table.

Mr. Moore of Mad. from the committee on schools, colleges and universities, and school and university lands, to which was referred the petition of the inhabitants of township 3, range 2, east of the basis meridian of Huntsville, reported a bill to be entitled an act for the relief of James Millican; which was read a first time, and ordered to be read a second time.



Mr. Wood, from the committee on county boundaries, to which was referred a petition from sundry inhabitants of Fayette county, praying to be added to the county of Walker, reported, that it is inexpedient to legislate on that subject at this time, as they conceive the territorial limits of the said county of Fayette contain at this time not more than its constitutional limits. *Ordered*, that said report lie on the table.

Mr. Davis of Fr. from the select committee to which was referred a petition of the trustees of the La Fayette Academy, joined by the citizens of the village of La Grange, reported a memorial to the Congress of the United States; which was read a first time, and ordered to be read a second time.

Mr. Moore of Jack. from the committee on enrolled bills, reported that they had examined, and found correctly enrolled, bills of the following titles, to wit: an act to provide for the payment of petit jurors in certain counties therein named; an act to establish a certain road therein designated; an act to authorize the county court of Wilcox county to levy an extra tax.

*Ordered*, that the house concur in the amendments made by the Senate to the bill entitled an act to amend an act passed Dec. 20, 1820, amending an act, passed 13th Nov. 1819, incorporating the town of Triana, by adding the following proviso to the 7th section, after the word corporation: "Provided, that the retailers of liquors licensed as aforesaid shall also have obtained licenses in the manner now pointed out by law."

Mr. Smith of Land. from the select committee to which was referred a joint resolution instructing our Senators and Representatives in Congress on the subject of exchanging certain lands reserved for the use of schools in this state, reported the same with the following amendment: After the words in the first section "previously offered for sale and not sold," add "or which has not yet been offered for sale," and strike out the balance of the section. *Ordered*, that said report lie on the table.

Mr. Montgomery, from the select committee to which was referred the petition of Charles A. Henry, reported a bill to be entitled an act for the relief of Charles A. Henry; which was read a first time, and ordered to be read a second time.

Mr. Dubose, from the select committee to which was referred the petition of William Waller, praying the passage of a law authorizing him to manumit certain slaves therein named, reported a bill to be entitled an act to authorize William Waller to manumit certain slaves therein named; which was read a first time, and ordered to be read a second time.

Mr. Crenshaw, from the select committee to which was referred an engrossed bill to be entitled an act amendatory of an act prescribing the mode of executing original process, reported the same without amendment. The bill was then read a third time—

Mr. McVay of Land. moved that the further consideration thereof be indefinitely postponed; which was lost—Yeas 26, nays 32.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Bradford	Duke	Lawler	Massey	Smith of La.
Craig	Ellis	Lewis	Perkins	Sims
Coopwood	Edwards	Moore of Jack.	Pickens	Terry
Coleman	Greening	M'Vay of Laud	Parham	Williams—20
Davis of Fr.	Heard	M'Vay of Law.	Ross	
Davis of Jack.	Jones	Martin	Rhodes	

Those who voted in the negative are

Mr. Speaker	Brown	Dennis	Harris	Raney
Acklen	Broadnax	Dupuy	Johnson	Roberts
Ambrister	Bell Brasher	Dubose	M'Clung	Smith of Hen
Benson	Barclay	Edmondson	Moore of Mad.	Weissenger
Bridges	Crenshaw	Exum	Mead	Perry Walthall
Bailey	Coe	Dale Fluker	Powell	Whitfield—32

Mr. M'Clung offered the following amendment by way of engrossed rider: "Sec. 3. And be it further enacted, that any such writ, served as above contemplated, shall stand for trial at the term succeeding that to which it may be returnable; provided, that notice be personally served on said defendant by the sheriff of the institution of such suit, which notice may be served at any time intervening the return day of the original writ, and the first day of the next term after the one to which it was returnable; and in such case the court shall have an issue made up between the parties at the trial term, if not previously joined, and shall not grant a continuance unless good cause is shewn by affidavit."

Mr. Moore of Mad. offered the following amendment to the amendment: "That no final judgment shall be entered up against the person sued until the person or persons sued shall have notice of such suit having been commenced against him; and it shall be the duty of the sheriff or his deputy, leaving said notice at the house of the person so sued, to give such notice, which may be done at any time before the term at which final judgment is to be entered up; and the sheriff or his deputy shall amend the return at any time after giving such notice, and before final judgment, which shall be evidence of such notice as above required; and provided further, that no judgment shall be entered up at the return term of the court to which any writ is made returnable for default, except when the same shall be done by agreement of the parties concerned, or their counsel."

Mr. Mead moved to amend the amendment by inserting after the word "him," the words at least "twenty days before the trial term of said cause."

The question was then put on the adoption of Mr. Moore's amendment to the amendment, and lost. The question was then put on the adoption of Mr. M'Clung's amendment, which was lost. Mr. Davis of Fr. then moved that the further consideration of the bill be postponed till the 4th day of July next, which was carried.

On motion of Mr. Ross, *Ordered*, that Mr. Roberts be added to the committee on schools, colleges and universities, and school and university lands.

Mr. Harris obtained leave to bring in a bill to be entitled an act to

repeal an act incorporating the town of Rodney, in Washington county; which was read a first time, and ordered to be read a second time.

Mr. Terry offered the following resolution: *Resolved*, that a select committee be appointed to inquire and report to this House, whether the house and lot of Charles Lewin, situated in the lower town of Tuscaloosa, are encumbered by any mortgages or debts whatever, the amount of such debts, and the probable value of said property, and what expense will be requisite to prepare the said building for the accommodation of the General Assembly: and the question being put, shall this resolution be adopted? it was determined in the negative—Yeas 29, nays 32.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Crenshaw	Greening	Moore of Jac.	Roberts
Acklen	Coleman	Johnson	mead	Smith of Hen.
Benson	Davis of Fr.	Jones	massey	Terry
Bailey	Dale	Lawler	Pickens	Weissenger
Broadnax	Dennis	Lewis	Perry	Walthall-29
Bell	Edwards	Montgomery	Ross	

Those who voted in the negative are

Mr. Ambrister	Coopwood	Exum	M'Vay of Laud.	Rhodes
Brown	Davis of Jack.	Floker	M'Vay of Law.	Raney
Bradford	Dupuy	Heard	Martin	Smith of Laud.
Brasher	Dubose Duke	Harris	Ferkins	Sims
Barclay	Edmondson	M'Clung	Parham	Williams
Crug	Coe Ellis	Moore of Mad.	Powell	Whitfield-32

Mr. M'Vay of Laud. offered the following resolution: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of reducing the present rate of tax twenty-five per cent on each article made liable by law to taxation.

And then the House adj'd until Monday morning 10 o'clock.

Monday, December 18, 1826.

The House met pursuant to adjournment.

Mr. Duke presented the petition of sundry citizens of the town of Pikeville, in Marion county, praying the passage of a law to incorporate said town; which was read, and referred to a select committee, consisting of messrs. Duke, Davis of Fr. and Edmondson.

Mr. Bridges presented the petition of sundry inhabitants of township 13, range 7. in Wilcox county, praying the passage of a law to authorize the sale of the sixteenth section in said township; which was read, and referred to a select committee, consisting of messrs. Bridges, Johnson and Dale.

Mr. Bailey presented the petition of sundry citizens of the town of Montgomery and the adjacent country, praying the passage of a law to establish a Branch Bank of the State of Alabama in the town of Montgomery; which was read, and referred to the committee on the state bank.

Mr. Moore of Jack. from the committee on the state bank, to which was referred a bill to be entitled an act to authorize the Governor to subscribe for the stock reserved for the state in the Bank of Mobile, reported the same without amendment. The bill was then laid on the table.



Mr. Roberts obtained leave to bring in a bill to be entitled an act for the improving the road leading from Blakely to the upper line of Baldwin county, by the way of Durant's; which was read a first time, and ordered to be read a second time.

Mr. Roberts obtained leave to bring in a bill to be entitled an act to regulate the fees of certain public officers in Baldwin county; which was read a first time, and ordered to be read a second time.

Mr. Smith of Land. obtained leave to bring in a bill to be entitled an act for the relief of defendants in certain cases; which was read a first time, and ordered to be read a second time.

Mr. M'Vay of Land. presented the account of David Hubbard, Esq. solicitor, &c. which was read, and referred to the committee on accounts.

Mr. M'Vay of Land. presented the account of Wm. R. Martin, constable; which was read, and referred to the committee on accounts.

Mr. Ross obtained leave to bring in a bill to be entitled an act to authorize the courts to require security for costs; which was read a first time, and ordered to be read a second time.

A message from the Governor by James I. Thornton, secretary of state: and then he withdrew. Said message is as follows:

EXECUTIVE DEPARTMENT, Dec. 18th, 1826.

*The Hon. the Speaker and members of the House of Representatives.*

Gentlemen: I have the honor to inform you that Mr. James Taggart, recorder of the county court of Washington county, wishes to serve as a clerk. I have the honor to say, respectfully, your obedient servant,  
(Signed) JOHN MURPHY.

The House then took up a bill to be entitled an act to reduce into one several acts concerning roads, bridges, ferries and highways. Mr. Craig moved to amend the 2d section by adding the words "courts" and "revenue," which was carried.

Mr. M'Vay of Land. moved to amend by adding, of roads and revenue, after the word courts, whenever it may be necessary, which was carried. Mr. Weisenger moved to strike out of the 4th section, after the word within, the word ten, with a view to insert fifteen; which was carried. Mr. Craig moved to amend the 6th section, by adding after the word toll, public ferrymen, postmasters and commissioners of roads and revenue. Mr. Coopwood moved to amend the amendment by striking out postmasters; which was carried. The question was then put on the adoption of Mr. Craig's amendment as amended, and adopted. Mr. Perkins then moved to amend the amendment, by exempting the president and directors of the Bank of the State of Alabama. Mr. Acklen moved to refer the bill to a select committee, which was lost. The question was again put on Mr. Perkins' amendment, and lost.

Mr. Lewis moved to reconsider the vote given on Mr. Perkins' amendment to the amendment, which was carried. A division of the question being called for, the vote was 1st taken on exempting the president of the bank, which was lost. The vote was then taken on exempting the directors of the bank, which was carried. The question was



then taken on exempting the other officers of the bank, which was lost. Mr. Davis of Fr. moved to amend the amendment by exempting the hands at the salt works, which was lost. The question was then taken on the adoption of Mr. Craig's amendment as amended, and adopted. Mr. Craig moved further to amend the 8th section of the bill.

And then the House adjourned till half past two o'clock.

*Evening Session, half past two o'clock.*

The House met pursuant to adjournment.

The House again resumed the consideration of the bill to be entitled, an act to reduce into one, the several acts, concerning roads, bridges, ferries and highways. The question was then put on Mr. Craig's amendment to the 8th section, by adding after the words "Clerk of his" add "county court," which was carried; Mr. Craig moved to amend the 9th section, by striking out the word "by" after the word "apportioned," with a view to insert the word "to," which was carried; and at the end of the section the following proviso. "Provided that Overseers shall in no case pay costs, in case the defaulter should be exonerated from fine;" which was adopted. Mr. Craig moved to amend the 11th section by the following proviso. "Provided that no new road, shall be opened through an enclosure, whilst there is a crop growing on the same;" which was carried. Mr. Craig moved to amend the 18th section at the end thereof, by way of the following "during the continuance of the same out of repair;" which was carried. Mr. M'Vay of Law. moved to amend the 24th section by striking out "five," after the word "within," with a view to insert the word "three;" which was lost. Mr. Bridges moved to amend the same, by striking therefrom the first proviso; which was carried. Mr. Terry moved to amend the 25th section, by striking out the word "ten" after the word "within," with a view to insert "twenty;" which was carried. Mr. Montgomery moved to amend the bill, by adding thereto an additional section at the end of the bill; which was carried. The bill was then read as amended, and ordered that the bill lie on the table.

A message from the Governor by James I Thornton, Secretary of State, which is as follows:

*Mr. Speaker*—I am instructed by the Governor to inform your hon. body, that he did on the 15th inst. approve and sign bills of the following titles, to wit: an act to compensate witnesses attending magistrates courts; and on the 16th inst. an act, to amend an act, entitled an act to establish a permanent seat of justice in the county of Jackson, and for other purposes; an act to incorporate the Moulton troop of cavalry of Lawrence county; an act authorizing the administrator of Wm. M'Allister deceased, to transfer a certificate therein named, and on this day (the 18th) an act to divorce Olivia A. Taylor from John Taylor; and an act to divorce Wm. Bryant from Rhodicy Bryan; all of which originated in this house, and then he withdrew.

On motion of Mr. Harris, *Resolved*, that the Senate be informed that this House will with their concurrence, proceed to elect a Judge of the county court for the county of Washington, this evening at four o'clock.

**Ordered**, that Mr. Moore of Jack. be added to the select committee appointed to establish a tobacco inspection in this State.

Mr Barclay obtained leave to introduce a resolution, instructing our Senators, and requesting our Representatives in the Congress of the United States, to endeavor to procure the passage of a law establishing a land office at Bellefont in Jackson county, which was read a first time, and ordered to be read a second time.

Mr. Fluker obtained leave to bring in a bill to be entitled, an act to compel certain persons to work on the state road, leading from Greensborough to Claiborne, which was read a first time, and ordered to be read a second time.

Engrossed bill to be entitled, an act supplementary to the several acts heretofore passed in relation to the county court, for the county of Mobile, and for other purposes. The House disagree to the amendments made by the Senate to the said bill, which are as follows: 1st In the 2d line 3d section strike out the words "Judges of the county court of Mobile county," and insert the words "Judges of the several county courts in this state."—2d In the 3d line 3d section, strike out "his office," and insert "their offices,"—3d In the 12th line 3d section, strike out "the said Judges of the said county court," and insert "any of said Judges."—4th In the 19th line 3d section make the word "court" "courts," and in the same line, make the words "the Judges," read "any of the Judges."—5th In the 23d line, strike out the words "of said county," and insert the words "for the county in which such final order, judgment or decree may be had." **Ordered**, that the Clerk acquaint the Senate therewith.

Mr. Moore of Mad. from the committee on schools, colleges and universities, and school and university lands, to which was referred so much of the Governor's message, as relates to the location of the university of Alabama, and also a resolution of this House, instructing them to inquire into the expediency of locating the university of Alabama, reported a bill to be entitled, an act to locate the university of Alabama, which was read a first time, and ordered to be read a second time.

**Ordered**, that the House concur in the amendments made by the Senate to the resolution, proposing to go into the election of a judge of the county court of Washington county, by striking out the word "four" and inserting in lieu thereof the word "seven." **Ordered**, that the clerk acquaint the Senate therewith.

Mr. Moore of J. offered the following resolution: *Resolved*, that the judiciary committee be instructed to enquire into the expediency of passing a law to authorize assessors and tax collectors to appoint a deputy; which was lost.

A message from the senate by Mr. Crabb their assistant secretary.  
*Nr. Speaker*,—I am directed by the Senate to inform your hon. body that they have read three several times and passed a bill to be entitled, an act providing for the erection of a State Capitol, in which they ask the concurrence of your hon. body. They have also read three several times and passed, a bill which originated with your hon.

body, to be entitled, an act to divide the 42d regiment of the militia of this state, and have amended the same as herewith shewn; in which amendments, they also ask the concurrence of your hon. body. They have concurred in a resolution of your hon. body appointing a committee to examine and select two or more of the most eligible sites for a state house, within the corporate limits of the town of Tuscaloosa &c. and have amended the same as follows: "and also to procure a plan or plans for said public buildings, and report the same to both Houses of the General Assembly, in which amendments they desire your concurrence. They have appointed on their part Messrs. Jackson, Brown, Merriwether, Bagby, and Powell to compose said committee. And then he withdrew. In which amendments the house concurred.

*Ordered*, that the House concur in the amendment made by the Senate to the bill to be entitled, an act to divide the 42d regiment of the militia of this state, by striking out of the 2d section after the word "brigade" in the 2d line, the words "of the militia shall," and insert in the 3d line, the word "to," before the word "cease" and in the last line, strike out the word "said" and insert "this."

Engrossed bill from the Senate, entitled, an act providing for the erection of a state capitol, was read a first time. Mr. Broadnax moved that the bill lie on the table; which was lost—Yeas 17, Nays 44.

Yeas and nays being desired, those who voted in the affirmative are

m. Benson	Crenshaw	Greening	massey	Smith of Hen.
Baker	Coleman	Jones	Lawler	Bickens
Broadnax	Dennis	Lewis	mead	Ross

Those who voted in the negative are

mr. Speaker	Craig	Edmondson	montgomery	Rhodes
Acklen	Coe	Ellis	moore of mad	Raney
Amblister	Coopwood	Edwards	moore of Ja.	Roberts
Bridges	Davis of Br.	Exum	m'Vay of Laud	Smith of La.
Brown	Davis of Ja.	Fluker	m'Vay of Law	Sims
Bell	Dale	Heard	martin	Williams
Bedford	Dupuy	Harris	Perkins	Walthall
E. Asher	Dubose	Johnson	Parham	Whitfield-44
Barclay	Duke	m'Clung	Perry	

The bill was then ordered to be read a second time.

And then the House adjourned until this evening, 7 o'clock.

*Night Session, 7 o'clock.* The House met pursuant to adjourn't.

Mr. M'Vay of Laud. offered the following resolution: *Resolved*, That there shall not be any new business received in this House after *Wednesday*. *Ordered*, that said resolution lie on the table.

On motion of Mr. Sims, *Resolved*, that the committee on propositions and grievances inquire into the expediency of enacting some law to prevent the bringing of slaves to the state of Alabama, to make sale of, or vend in any way. Mr. Bridges moved to amend the resolution by striking out propositions and grievances, and inserting in lieu thereof the judiciary; which was carried.

On motion of Mr. Coopwood, *Resolved*, That the Senate be invited to assemble in the Representative Hall, for the purpose of ge-

g into the election of a Judge of the County Court for Washington county, and that the east end of the same be assigned for their reception. The Senate having repaired to the Hall of the House of Representatives, both Houses proceeded to the election of a Judge of the County Court for Washington county. John Fitts alone being in nomination—For John Fitts 62 votes. Those who voted for Mr. Fitts are *Mr. President, Ashe, Bagby, Barton, Brown, Clay, Crabb, Gaines, Jackson, Irwin, Jones, Merriweather, Miller, Powell, Skinner, Sullivan, Vanhoose, of the sen. Mr. Speaker, Acklen, Bridges, Bailey, Brown, Roadnax, Bell, Bradford, Barclay, Greshaw, Craig, Coe, Coopwood, Coleman, Davis of Fr. Davis of Ja. Dale, Dennis, Dupuy, Duse, Duke, Ellis, Edwards, Harris, Jones, Lawler, m'Clung, Montgomery, Moore of Jack. m'Way of Laud. m'Way of Law. Martin, Massey, Perkins, Pickens, Parham, Perry, Roberts, Smith of Hen. Smith La. Sims, Terry, Weissenger, Walthall, Whitfield*—62. The Senate withdrew. And then the House adjourned until tomorrow morning 10 o'clock.

*Tuesday, Dec. 19, 1826.*

The House met pursuant to adjournment.

Mr. Heard presented the petition of Reuben Chapman, as prosecuting attorney on the part of the state of Alabama, against Ebenezer Baldwin, for exhibiting a museum of live animals without a license, which was read and referred to a select committee, consisting of Messrs. Heard, Sims and Rhodes.

Mr. Perkins presented the petition of Henry T. Anthony, clerk of the county court of Tuscaloosa county, praying the passage of a law, relieving him from the payment of a certain sum of money therein mentioned, which was read and referred to the committee on propositions and grievances.

Mr. Parham presented the memorial of sundry inhabitants of the town of Tuscumbia, and Franklin county, praying the passage of a law, appointing a certain number of commissioners to survey the State; that they be directed to visit Tuscumbia; and that they select a place for the location of the University of Alabama, and make report to the next General Assembly, which was read and laid on the table.

Message from the senate by Mr. Lyon, their secretary—Mr. Speaker, the senate have passed a bill which originated in their house, entitled—an act explanatory of an act entitled, an act to provide for the election of justices and constables, passed December 31st, 1822, in which they desire your concurrence.

They have also passed bills, which originated in your house, entitled—an act to authorize the field officers of the 45th regiment, to form a company of militia in Broxton's settlement; and have amended the same by striking out all after the enacting clause, and substituting in lieu thereof the accompanying section.

An act prescribing the punishment of slaves and free persons of colour for the commission of the crime of manslaughter on a free slave or free persons of colour; and have amended the same by inserting at the end of the 4th line of the 1st section, the word "commitment;" an act directing in what manner, and in what courts, suits may be brought against the state of Alabama; and have amended the 3d, 5th and 6th sections thereof, in the manner herewith shown: An act to alter the mode of appointing assessors and tax collectors, and for other purposes; and have amended the same by striking out the 2d section thereof, and substituting the accompanying section, also, by adding a proviso to the end of the 7th section, and by striking out the word "two," in the last line of



the 8th section, and inserting the word "three." They have also passed a resolution of the senate and house of representatives of the state of Alabama disapproving certain resolutions of the legislatures of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the senate of Ohio, proposing the emancipation of slaves; and a resolution of the legislature of New Jersey, recommending a system of foreign colonization; and amended the same by striking from the third paragraph of the report which precedes the resolutions, the words "*disrespectful and unwarrantable*," inserting in lieu thereof the words "*impolitic and incompatible with the rights and interests of the slave holding states.*" In all of which several amendments they respectfully desire the concurrence of your honorable body.

They have also adopted the following resolution, in which they desire concurrence.

*Resolved*, That a committee be appointed on the part of the Senate, with such committee as may be appointed on the part of the House of Representatives, to examine the treasury notes taken in by the state treasurer in pursuance of instructions after examining the same, to destroy the amount taken in, in presence of said committee, and the sum so destroyed, to report to each of the General Assembly. They have appointed a committee on this subject to consist of Messrs. Sullivan, Casey and Powell, and then he withdrew.

Mr. McClung presented the petition of John Snoddy, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to a select committee, consisting of Messrs. McClung, Moore and Bradford.

Mr. Perry presented the account of William Humphrie, which was read and referred to the committee on accounts.

Mr. Moore of Mad. from the committee on schools, colleges and universities and school and university lands, to which was referred the petition of the inhabitants in township 10, range 15, reported that it is inexpedient to grant the prayer of the petitioners; in which report the house concurred.

Mr. Edmondson from the committee on roads, bridges and ferries, to which was referred the petition of John McMarter, praying for relief for cutting timber for making and repairing a causeway on the state road, leading Tuscaloosa to Mobile, reported that it is inexpedient to legislate on this subject at this time; in which report the house concurred.

Mr. McClung from the select committee, to which was referred the petition of this house, requiring them to inquire fully into the charges made against David Moore, a member from Madison county, by Mr. Wills, reported that, at the meeting of the committee heretofore appointed by this house, to whom was referred the preamble and resolution heretofore adopted in this regard, of Mr. Wills, which committee was composed of the same persons composing this committee, Mr. Wills alleged his readiness to prove that Dr. Moore belonged to the Huntsville party, provided he could procure the affidavit of Col. McKinley, who had left Tuscaloosa, for Washington city; or if the committee would receive the evidence of other gentlemen as to what Col. McKinley had stated. This evidence was *unanimously* determined to be inadmissible as some part of the same, on the ground that Col. McKinley's affidavit was not within the reach of the committee, and that hearsay testimony could not be received as a substitute; and that the committee were not clothed with the power under their *then* appointment, of investigating the truth of the charges against Dr. Moore; and by all of the committee it was believed to be of no avail on the ground that, although Dr. Moore might belong to the Huntsville party, he was under the protection of the House. Your committee, acting under

At resolution, report, that before proceeding on the main duties assigned them, they addressed to Mr. Wills a note, of which the following is a copy:

A. Wills, Esq.—SIR: The select committee to whom was referred a preamble and resolution, instructing them to investigate fully the truth of the charges made by you against Doct. David Moore, a member from Madison county, have directed me to notify you, that the committee will assemble this evening at 7 o'clock, at my room, where they will be ready to receive any evidence you may think proper to offer, in support of the charges referred to in the resolution. (Signed) N. E. BENSON, Chairman.

1st Dec. 1826.

And received from him the following reply, to wit:

“N. E. Benson, Esq. Chairman of the select committee—SIR: I have had the honor to receive your note, informing me that the select committee would assemble this evening, to investigate fully the truth of the charges made by me against Dr. Moore. In answer, permit me to observe, that I am not conscious of having preferred any charge against Dr. Moore which requires investigation before a committee of the house of representatives. At the same time, it will be recollected, that when I was called before the committee, appointed to investigate the facts connected with the charges preferred by Dr. Moore against me, that I desired permission to introduce evidence to prove the truth of the charges which I had made against him. Such testimony, however, was, by the committee, deemed inadmissible. I cannot, therefore, perceive what advantage I can now derive from substantiating before your committee, the charges which I made against Dr. Moore, as the question in which I was personally concerned, has been already determined, upon Dr. Moore's own statements. For these and various other reasons which I might assign, I beg permission to decline availing myself of the privilege which you have been pleased to extend. I conceive that it will better comport with the relationship existing between Dr. Moore and myself, to appeal to a tribunal for the substantiation of the charges which I alleged against him—to whose awards both the representative and the constituent are equally amenable—the bar of public opinion. I have the honor to be, with sentiments of high consideration,

Your most obed't. serv't. (Signed,) ANDREW WILLS.

Tuscaloosa, 1st Dec. 1826.

The following testimony was then taken in respect to the reference—to wit: Wm. Acklen, jr. a member of the House of Representatives from the county of Madison, and State of Alabama, being called on by Dr. D. Moore, his colleague, states, that he was on intimate terms with said Moore; that he never heard him say, nor did he know, for whom said Moore would vote for Senator in the Congress of the United States. (Signed) WM. ACKLEN, jr.

Dec. 10, 1826.

Mr. McVay's statement.—“Being called on by David Moore, a member of Madison county, to state what I know in relation to his conduct in the Senatorial election, do not hesitate to say, that I saw nothing to justify a belief that actuated from party feelings, in any part of his conduct. On Saturday, Dr. Moore stated to me in a conversation with him on the subject, that he should vote for Clay, if the contest was between him and McKimley; if between McKimley & Maj. Davis, he expected he should vote with me, for McKinley; my having mentioned to Dr. Moore, my vote on the subject, Dr. Moore mentioned great personal respect for all the gentlemen. As near as I recollect, this is in substance what passed between us. (Signed) H. McVAY, m. h. r.”

Mr. Mead's statement.—“Being called on by David Moore, a member from Madison county, to state what I know in relation to his conduct in the elec-

tion of a Senator to the congress of the United States, do not hesitate that I saw nothing calculated to produce on my mind, that he was, or he, governed by party feelings. I had frequent conversations with him, never heard him indicate how he should vote. I did on Saturday before election, ask Dr. Moore how he should vote, when he remarked he should an independent vote when the time arrived, and as it was now nearly when it would be known, he remarked, he should vote for Mr. Clay, as his first choice, and Mr. McKinley as his second; if the contest was between McKinley and Major Davis: that he respected all the gentlemen personally, have served several years in the general assembly with Dr. Moore, as a member, and always viewed his course of conduct to be dictated by what he thought to be his duty, and free from party feelings or prejudices.

Mr. Wills stated to me, that in a conversation, he, Wills, had with Moore on Sunday, that Dr. Moore stated to him he should vote for Clay, and if he could not succeed, he should vote for Mr. McKinley.

(Signed)—MARSTON MEADE, Representative from Blount County.

General Davis' statement—"Being called on by David Moore, a member from Madison county, and feeling it a duty to state what transpired between him and myself in relation to the senatorial election, for the congress of the United States, I will state that in several conversations had with Dr. Moore on the subject, I never heard Dr. Moore intimate any thing like party feeling or express a preference for either of the gentlemen spoken of as candidates, but expressed his determination to be governed in his vote, by the merits of the gentlemen who were spoken of as candidates. Just before going into the election, Dr. Moore remarked to me, that the time had nearly arrived when he would have to vote, and that he should vote for Mr. Clay; and if he could not be elected, and the contest was between McKinley and Major Davis, that he should vote for Mr. McKinley; that he had a high personal respect for them all gentlemen. In all the conversations that had before taken place, Dr. Moore had not given any indications of his vote, though he well knew how I should vote on the subject. I do furthermore state, that Dr. Moore, in a conversation mentioned above, stated to me, that he did not know what was the opinion of his constituents on the subject; that if he did, he would vote for the person who would be most satisfactory to the people he represented.

(Signed)—JAMES DAVIS, member from Franklin county.

The committee further report, that the said David Moore, on producing the above evidence, appeared before them, and offered to procure the testimony of every member of the House, if they were not satisfied, which was considered unnecessary.—They therefore, from the evidence which has been adduced, as an act of justice to the said David Moore, are constrained to say, that there is not only no evidence to implicate him, but that the charges in question are entirely disproved.

Mr. Coopwood moved that said report lie on the table; which was lost.

The House then concurred in the report of the committee.

Mr. Dennis, from the select committee, to which was referred a bill to amend an act to appoint commissioners for the counties of Covington and Henry, reported a substitute in lieu thereof, which was read a second time and ordered to be engrossed for a third reading.

Mr. Terry, from the select committee, to which was referred so much of the governor's message as relates to the permanent boundary between this state and the state of Georgia, with the accompanying documents, reported that on examination of the documents, including the correspondence between the commissioners of this state and the state of Georgia, and the map of the

Chattahooche river, executed by Charles Lewis, esq. one of the commissioners of this state, has led them to the conclusion that the construction insisted on by the commissioners of this state, is the only just and fair interpretation of the articles of agreement and cession, between the United States *and* the state of Georgia, which was made the rule of their conduct, by the resolution of the General Assembly under which they acted. In submitting to the house of representatives the opinion of the committee on the construction given to the compact by our commissioners, they cannot refrain from expressing their regret, that in consequence of a different construction given by the commissioners of the state of Georgia, no boundary line has been run by the joint concurrence of the commissioners of the two states; and your committee are of opinion, that the line run by the commissioners of Georgia ought not to be acknowledged, by the authorities of this state, as the boundary line between the two states.— In which report the House concurred.

Mr Lawler, from the select committee to which was referred a bill to be entitled—an act to establish a road from Montevallo to Greensborough, reported the bill with sundry amendments, which were concurred in by the House; the bill was then read as amended a second time, and ordered to be engrossed for a third reading.

Mr. Crenshaw, from the select committee to which was referred a bill to be entitled an act to alter the time of holding the county courts of Lawrence and Limestone counties, reported the bill with sundry amendments; which were concurred in by the House. The bill was then read a second time as amended, and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize the Governor to subscribe for the stock reserved for the state in the Bank of Mobile, was then taken up. Mr. Moore of Jack. offered the following amendment: 'which said directors shall not in any event be holders of stock in the said Bank of Mobile;' which was adopted. The bill was then read, as amended, a second time, and ordered to be engrossed for a third reading.

Mr. Duke obtained leave to bring in a bill to be entitled an act amendatory to an act passed on the 14th January, 1826, entitled an act to authorize Wm. H. Ragsdale and his associates to turnpike a road therein specified; which was read a first time, and ordered to be read a second time.

Mr. Coopwood obtained leave to bring in a bill to be entitled an act further to relieve insolvent debtors, and the better to secure the rights of creditors; which was read a first time. Mr. APC. and moved that the further consideration thereof be indefinitely postponed, which was lost. The bill was then ordered to be read a second time.

Mr. Weissenger obtained leave to bring in joint resolutions for ascertaining the sense of the good people of this state in relation to the permanent seat of their state government; which was read a first time; and the question being put, shall this resolution be read a second time? it was determined in the negative—

Yeas 50—Nays 31.

The yeas and nays being desired—those who voted in the affirmative are



Mr. Speaker	Coopwood	Johnson	Moore of Jack.	Ross
Benson	Coleman	Jones	McVay of Land	Roberts
Bridges	Dale	Lawler	Mead	Smith of Hen.
Bailey	Dennis	Lewis	Massey	Terry
Broadnax	Edwards	Montgomery	Pickens	Weissenger
Crenshaw	Greening	Moore of Mad.	Perry	Walthall—30

Those who voted in the negative are

Mr. Acklen	Barclay	Duke	McClung	Rhodes
Ambrister	Craig	Coe	McVay of Law.	Raney
Brown	Davis of Fr.	Ellis	Martin	Smith of Lau.
Bell	Davis of Jack.	Exum	Neill	Simms
Baughard	Deputy	Fluker	Perkins	Williams
Busher	Dease	Harris	Parham	Whitfield—31

A bill to be entitled an act to establish an office of discount and deposits of the Bank of the State of Alabama at ———, in the Tennessee valley, was then taken up. Mr. Moore of Mad. moved to amend the 11th section, by adding, after the word 'deposite,' the words 'or at the Bank of the State of Alabama,' which was carried. The bill was then laid on the table.

Mr. McVay of Land. offered the following preamble and resolution:

Whereas there are many disorderly, idle, dishonest men, fugitives from justice, who have fled from the operations of the laws of their country, and have for an asylum taken up their abode in the Chickasaw and Choctaw nations of Indians, and there remain secure from the operations of the laws of the adjoining states, by which means they evade in many instances the just punishment due their offences, and cause honest creditors to suffer the loss of just debts, &c.

Therefore, be it Resolved, That the committee on the judiciary be instructed to inquire into the expediency and constitutionality of so providing by law that persons who reside within the chartered limits of this state in either of those nations, be made amenable to the laws thereof, and that they may be arrested, sued, and brought to justice in like manner as other citizens of said state, with leave to report by bill or otherwise; which was adopted.

Engrossed bill from the Senate, entitled an act to prevent the Creek Indians from hunting and trapping within the settled limits of this state, was then taken up, and read a second time.

Ordered, that the House concur in the report of the judiciary committee, by striking out the word Creek. Mr. Ross moved to amend the bill at the end thereof, in the following manner: 'and place the same in the hands of some constable, whose duty it shall be, on giving ten days notice by public advertisement, to proceed to sell the same to the highest bidder, for cash, and pay the proceeds thereof into the county treasury.' Mr. Coopwood moved to amend the amendment, by adding after the word treasury, the words 'after deducting his fees for said service,' which was carried. The question was then put on the adoption of Mr. Ross's amendment as amended, and carried. Mr. Moore of Jack. offered the following amendment: 'Sec. 4. And be it further enacted, that the provisions of this act shall not extend to the Cherokee, Chickasaw or Choctaw nations of Indians, and

that this act shall not take effect, or be in force until the first of April next,' which was adopted. Mr. Davis of Fr. offered the following amendment: 'Sec. 3. And be it further enacted, that the Governor be requested to transmit to the agent of the Creek Indians a copy of this act, for the information of said nation of Indians,' which was adopted. It being then ten minutes past one o'clock, Mr. Acklen moved that the House adjourn until 3 o'clock this evening; which was carried—Yeas 31, nays 29.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Brasher	Dehose	McClung	Parham
Acklen	Barclay	Duke	Ellis	Montgomery
Ambrister	Crenshaw	Fluker	Stead	Smith of Hen.
Bridges	Craig	Greening	Mussey	Smith of Land.
Broadnax	Campwood	Johnson	Perkins	Terry
Bradford	Coleman	Lawler	Pickens	Whitfield—31

Those who voted in the negative are

Mr. Benson	Davis of Jack.	Harris	m'Vay of Law.	Roberts
Bailey	Dale	Jones	Martin	Sims
Brown	Dennis	Lewis	Neill	Williams
Elli	Dupuy	Moore of Mad.	Ross	Wensinger
Coe	Edmondson	Moore of Jac.	Rhodes	Walthall—29
Davis of Fr.	Exam	m'Vay of Land.	Raney	

*Evening session, 3 o'clock.* The House met pursuant to adjournment.

The House resumed the consideration of a bill from the Senate, entitled an act to prevent the Creek Indians from hunting and trapping within the settled limits of this state. Mr. Dale moved to amend the bill by adding Choctaws, which was carried. Mr. Lewis moved to amend the bill by striking out of Mr. Moore's amendment, Choctaw, Chickesaw and Cherokee Indians, which was carried. The bill was then ordered to be read a third time.

Mr. Brasher obtained leave to introduce a memorial to the Congress of the United States; which was read a first time, and ordered to be read a second time.

Mr. Ross, from the select committee to which was referred the memorial of Thaddeus Sanford and Wm. D. Stone, reported a bill to be entitled an act to incorporate the Alabama and Tennessee Canal Company; which was read a first time, and ordered to be read a second time.

*Ordered,* that the House concur in the amendments made by the Senate to the bill entitled an act to authorize the field officers of the 46th regiment to form a company of militia in Broxton's settlement, by striking out all after the enacting clause, and substituting in lieu thereof the following section: 'That the field officers of the 46th regiment, and the field officers of the 16th regiment, be and they are hereby required to form and organize a company of militia in their several regiments, one in what is known by the name of Broxton's settlement, in Dale county, and one in Kennedy's settlement in Marion county, each of which companies may consist of a less number of privates than is now required by law.'

*Ordered,* that the House concur in the amendments made by the

Senate, to the bill entitled an act prescribing the punishment of slave and free persons of color for the commission of the crime of man slaughter on other slaves or free persons of color, by inserting at the end of the 4th line of the 1st section the word 'committed.'

*Ordered*, that the House concur in the amendments made by the Senate, to the bill entitled an act directing in what manner and in what courts suits may be brought against the state of Alabama, by striking out of the 4th line of the 3d section, and insert in lieu thereof 'except such writ of error be sued out, or such appeal be taken within the time prescribed by law in cases to which the state is not a party,' and in the 5th section, after the concluding word security, add 'which shall operate as a supersedeas;' and in section 6, 3d line, for 'two may,' insert 'shall.'

*Ordered*, that the House disagree to the amendment made by the Senate to the bill entitled an act to alter the mode of appointing assessors and tax collectors, and for other purposes, by striking out the 2d section, and insert in its place, 'that the assessor and tax collector for the year 1827 shall be elected as heretofore provided by law—Yeas 43, nays 16.'

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Brasher	Dale	Dennis	m'Clung	Rhodes
Benson	Barclay	Dupuy	m'Vay of Law	Raney	Roberts
Bridges	Craig	Dubose	m'Vay of Law	Smith of Hen.	
Bailey	Coe	Duke	martin	Smith of Lau.	
Brown	Coopwood	Ellis	massey	Terry	
Bradford	Coleman	Edwards	Neill	Williams	
Broadnax	Davis of Fr.	Harris	Jones	Pacham	Weissenger
Bell	Davis of Ja.	Lewis	Perry		Whitfield—43

Those who voted in the negative are

Mr. Acklen	Edmondson	Johnson	moore of Jack.	Perkins	
Ambrister	Exum	Lawler	mead	Ross	Sims
Crenshaw	Fluker	montgomery	Pickens	Walthall—16	

The House concur in the amendments to the bill by adding the following proviso to the end of the 7th section: "provided, that if the office of county court judge be vacant, that the commissioners of roads and revenue shall make the appointment; and if a majority of them cannot agree, then and in that case the appointment shall be made by the clerk of the county court; and if there shall be no clerk, by the justice of the peace residing nearest the seat of justice for the county in which such vacancy may exist: and by striking out of the 5th section the the word "two," and inserting in lieu thereof the word "three."

*Ordered*, That the House concur in the amendments made by the Senate to a joint resolution of the Senate and House of Representatives of the state of Alabama, disapproving certain resolutions of the legislatures of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, and a resolution of the legislature of New-Jersey, recommending a system of foreign colonization, by striking from the 3d paragraph of the report which precedes the resolutions the

ords "*disrespectful and unwarrantable*," and inserting in lieu thereof the words "*impolitic and incompatible with the rights and interests of the slave holding states*."

Ordered, that the House concur in the resolution from the Senate to appoint a committee on the part of this House, to act with the committee appointed on the part of the Senate, to examine the treasury notes taken in by the state treasurer, remaining in the treasury, with instructions, after examining the same, to destroy the amount taken, in the presence of said committee, and the sum so destroyed to report to each branch of the General Assembly. Whereupon messrs. Perry, Raney and Davis of Jack, were appointed said committee.

Mr. Dale offered the following resolution: *Resolved*, that the military committee be requested to inquire into the propriety of authorizing the purchase of two four pounders for the use of a company of artillery belonging to the 25th regiment of Alabama militia, with leave to report by bill or otherwise; which was lost.

Engrossed bill from the Senate, entitled an act for the relief of Andrew O. Horn, was read a first time; and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time; and the rule being further dispensed with, it was read a third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate, entitled an act explanatory of an act, entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31st, 1822, was read a first time, and ordered to be read a second time.

Engrossed joint resolution from the Senate, requiring the Banks of Mobile and Tombeckbe to report their situation to the General Assembly—mr. Craig offered the following amendment: after the word 'capital,' insert 'specie, the notes of other banks, and also the amount of doubtful and bad debts due the bank;' which was adopted. The resolution was then referred to the judiciary committee.

Bills of the following titles to wit: An act to repeal an act, incorporating the town of Rodney in Washington county; an act authorizing David Leach to emancipate a slave therein named; an act supplementary to an act, for the government of the port and harbour of Mobile; an act to authorize Wm. Waller to manumit certain slaves therein named; an act for the relief of Charles A. Henry; an act supplementary to an act, to establish a state university; an act to authorize plaintiffs to discontinue their actions against one or more defendants in all actions of assumpsit; an act for the relief of James Millican; an act to regulate the fees of certain public officers in Baldwin county, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act for the improving the road leading from Blakely to the upper line of Baldwin county, by the way of Durant's: mr. Roberts moved to amend the bill by adding thereto an additional section; which was carried. It was then read as amended, and ordered to be engrossed for a third reading.



Mr. M'Vay of Laud. presented the account of Henry Minor, who was read, and referred to the committee on accounts.

Nathan Smith, a member from the county of Madison, appeared, was qualified, and took his seat.

And then the House adj'd until to-morrow morning 10 o'clock.  
*Wednesday, December 20, 1822*

The House met pursuant to adjournment.

Mr. Weissenger moved to spread on the journals of this House the following preamble and resolution, which was agreed to :

Whereas an act passed at the last session of the General Assembly by which the seat of the state government was permanently fixed at the town of Tuscaloosa : and whereas the will of the majority of the people forms the only legitimate rule of action in free government and whereas doubts exist as to the wishes of the good people of the state in relation to the permanent location of the seat of their government :

1. Be it therefore *Resolved*, by the Senate and House of Representatives of the state of Alabama, in General Assembly convened, that it shall be the duty of the sheriffs of the several counties in this state at the next general election, to open a poll at the various election precincts in their respective counties, in order to ascertain whether the electors in this state are satisfied that the seat of government ought to remain at Tuscaloosa.

2. *And be it further resolved*, That it shall be the duty of the clerks and managers of the elections of the different counties in this state to keep a true and perfect list of all those who are in favor of the seat of government remaining at Tuscaloosa, as well as those who are opposed to it ; and certify the same to the returning officer of their respective counties, whose duty it shall be to transmit one copy thereof to the President of the Senate, and one to the Speaker of the House of Representatives, for the information of the two Houses of the General Assembly.

A message from the Senate by Mr. Lyon their secretary.

*Mr. Speaker*—The Senate recede from their amendments to the bill entitled an act supplementary to the several acts heretofore passed in relation to the county court for the county of Mobile, and for other purposes. They have read three times and passed, bills which originated in their House, entitled an act for the relief of C. B. Roundtree, an act prescribing the mode of probating the will of Francis Jones deceased ; an act to provide for the distribution of the public lands among the different volunteer corps in this state ; and, an act authorizing titles to the lands and town lots given to the state by the citizens of Tuscaloosa, to be made to the Governor, for the use and benefit of the state : in all of which they desire your concurrence. They have also passed bills which originated in the House of Representatives, entitled an act to divorce Kelly Stegall from Nancy Stegall, an act for the relief of Mary Latham ; an act to amend an act, entitled an act to incorporate the town of Florence, in the state of Alabama ; an act to divide the 36th regiment of Alabama militia ; and

repeal in part and amend an act, entitled an act for the relief of the inhabitants of the first township, range seven, east of the basis meridian of Huntsville, approved Jan. 9th, 1826; an act to authorize the judge of the county court and commissioners of revenue and roads of Shelby county to levy an extra tax for the purpose of building a jail and for said county; and, an act to allow Wm. Whorton to erect a mill on Wills creek in St. Clair county, and have amended the same filling the blank in the last section of the bill with the words 'five hundred,' and by adding the words 'for each and every such offence,' herewith shewn. In which they ask your concurrence. And then withdrew.

*Ordered*, that the House concur in the amendments made by the Senate to the bill entitled an act to allow Wm. Whorton to erect a mill on Wills creek in St. Clair county, by inserting after the word dollars, 'for each and every such offence.'

Mr. Coopwood presented the account of Alexander M'Dowell; which was read, and referred to the committee on accounts.

Mr. Lawler presented the account of James M. Nations; which was read, and referred to the committee on accounts.

Mr. Ross presented the petition of sundry inhabitants of the city and county of Mobile, praying the passage of a law requiring the judge of the first judicial circuit to remain in said circuit, and hold terms of the circuit court, for the trial of all civil causes, and terms for the trial of all criminal matters, on the third Monday of September and the first Monday of April in each and every year; which was read, and referred to the judiciary committee.

Mr. McClung, from the judiciary committee, to which was referred a joint resolution approving the amendment proposed by the State of Tennessee to the constitution of the United States, reported the same without amendment. It was then read a second time, and ordered to be engrossed for a third reading.

Mr. McClung, from the judiciary committee, to which was referred a resolution of this House, instructing them to inquire into the propriety and expediency of so altering the laws now in force regulating the sale of retailers of spirituous liquors, so as to allow any person to sell the same in any quantities not less than one quart, reported, that it is imprudent and inexpedient to alter the existing laws as contemplated by the resolution; which report the House disagreed to. The said resolution was then referred to a select committee, consisting of Messrs. Moore of Jack Davis of Fr. and Mead.

Mr. McClung, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law to make it the duty of all collecting officers to pay over to the county treasury such sums of money as may remain in their hands collected for individuals, after the expiration of a certain time, to be kept at all times to the demands of legal owners, reported that it is unnecessary to legislate on the subject; and he has to be discharged from the further consideration thereof; which was ordered.

Mr. M'Clung, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law to cause the grand juries in each and every county in this State to be selected and drawn separately from the petit jurors, and to require the sheriffs of each and every county to summon the same in thirty days after drawn, and to advertise the names of the same so summoned, at three or more public places in their respective counties, reported, that it is inexpedient to legislate on the subject, which was laid on the table.

Mr. M'Clung, from the committee on ways and means, reported a bill to be entitled an act to raise a revenue for the support of government until otherwise altered by law; which was read a first time, the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to a committee of the whole house on to-morrow. *Ordered*, that 100 copies thereof be printed for the use of this House.

Mr. Moore of Jack from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills which originated in this House, of the following titles, to wit: an act to amend an act passed Dec. 20th, 1820, amending an act passed 13th Dec. 1819, incorporating the town of Triana: an act authorizing the election of certain officers in the town of Greenville, in Butler county: an act more effectually to secure the compensation allowed by law to jurors therein mentioned; an act to compel the commissioners of the town of Greenville, in Butler county, to transfer all papers relative to the lots of the said town, to the judge of the county court and the commissioners of roads and revenue of Butler county.

Mr. Parham, from the select committee to which was referred a petition of Isaac Winston, reported a bill to be entitled an act to authorize the administrator of Caleb B. Jones to sell and convey land which was read a first time, and ordered to be read a second time.

Memorial to Congress in relation to the public deposits in the Branch Bank of the United States at Mobile, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to alter the time of holding county courts of Lawrence, Lauderdale, Dallas, Autauga, Montgomery, Perry and Conecuh, was read a third time. Mr. Coe moved to amend the bill by way of rider, which was carried. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate, entitled an act for the relief of B. Rountree, was read a first time. Mr. Moore of Mad. moved for the further consideration thereof be indefinitely postponed; which was carried.

The House resolved itself into a committee of the whole, on a resolution proposing certain amendments to the constitution of the State of Alabama, Mr. M'Vay of Lard. in the chair; and after some time spent therein, the committee rose, Mr. Speaker resumed the chair.

and Mr. Chairman reported the resolution without amendment. Mr. Coopwood moved to amend the resolution by striking out three, and insert the word both, and by adding 'of the General Assembly;' which was adopted. The resolution was then read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to establish an office of discount and deposite of the Bank of the State of Alabama at — in the Tennessee valley. Mr. Coopwood moved to amend the 2d and 3d line, after the word notes, 'that the said president and directors are authorized to issue one hundred and fifty thousand dollars of solid capital, according to the provisions of the charter of the said Bank of the State of Alabama,' which was lost. Mr. Moore of Mad. moved to amend the 3d section, at the end thereof, with the following: 'hereby established, provided, that if the notes discounted to the citizens of the counties above mentioned shall not amount to the quota belonging to the counties above mentioned, according to their representation in the general assembly of this state, then and in that case the president and directors of the Bank of the State of Alabama shall transmit to said office of discount and deposite such an amount of the bank notes of the Bank of the State of Alabama, as shall make up said quota to which said counties are or may be entitled to receive, agreeably to the provisions of an act establishing the Bank of the State of Alabama, passed Dec. 20th, 1823;' which was adopted. Mr. Moore of Mad. moved further to amend the 9th section after the word 'in,' and insert 'every,' which was carried. Mr. Moore moved further to amend the bill by adding thereto an additional section. Mr. M'Vay of Land. moved to amend the 5th section and 11th line by striking out the word 'two,' and insert 'one,' which was lost. Mr. Smith of Land. offered the following amendment to the 8th section, at the end thereof: 'and the legislature shall at all times have the right themselves, or by a committee or committees to be elected by a joint vote of both houses of the general assembly, to examine into every thing and matter belonging to the said bank, or in any wise appertaining thereto; and such examination should be caused to be made by a committee of the two houses, or by commissioners as is herein provided, they shall report to the legislature the whole result of such examination, and whether there has been any violation of this law;' which was lost. Mr. Bridges moved to strike out the 14th section, which was lost. Mr. Perkins moved to amend the 1st section by the following: 'in the Tennessee valley, at a point to be determined upon as is hereafter directed.' Mr. Mead offered the following amendment to the 5th section and 38th line, after the words 'so help one God,' 'and moreover all swear that they have neither directly or indirectly loaned or advanced any monies at a higher rate of interest than eight per cent per annum.'

It being ten minutes past two o'clock, Mr. Benson moved that the house adjourn till tomorrow morning 10 o'clock—

Yeas 4—Nays 59.



The yeas and nays being desired—those who voted in the affirmative are  
*Mr. Benson Harris McClung Ross —4*

Those who voted in the negative are

<i>Mr. Speaker</i>	<i>Craig</i>	<i>Ellis</i>	<i>Moore of Jac.</i>	<i>Raney</i>
<i>Acklen</i>	<i>Coe</i>	<i>Edwards</i>	<i>McVay of Lau</i>	<i>Roberts</i>
<i>Ambrister</i>	<i>Coopwood</i>	<i>Exum</i>	<i>McVay of Law</i>	<i>Smith of</i>
<i>Bridges</i>	<i>Coleman</i>	<i>Fluker</i>	<i>Mead</i>	<i>Smith of La</i>
<i>Bailey</i>	<i>Davis of Fr.</i>	<i>Greening</i>	<i>Martin</i>	<i>Smith of mad</i>
<i>Brown</i>	<i>Davis of Ja.</i>	<i>Heard</i>	<i>Massey</i>	<i>Sims</i>
<i>Broadnax</i>	<i>Dale</i>	<i>Johnson</i>	<i>Neill</i>	<i>Terry</i>
<i>Bell</i>	<i>Dennis</i>	<i>Jones</i>	<i>Perkins</i>	<i>Williams</i>
<i>Bradford</i>	<i>Dupuy</i>	<i>Lawler</i>	<i>Pickens</i>	<i>Weissenger</i>
<i>Brusher</i>	<i>Dubose</i>	<i>Lewis</i>	<i>Parham</i>	<i>Walthall</i>
<i>Barclay</i>	<i>Duke</i>	<i>Montgomery</i>	<i>Perry</i>	<i>Whitfield—59</i>
<i>Crenshaw</i>	<i>Edmondson</i>	<i>Moore of mad.</i>	<i>Rhodes</i>	

And then the House adjourned until this evening 3 o'clock.

*Evening session, 3 o'clock.* The House met pursuant to adjournment.

The House resumed the consideration of Mr. Mead's amendment to the bill entitled an act to establish an office of discount and deposit of the Bank of the State of Alabama at — in the Tennessee valley which was lost. The bill was then read a second time, and ordered to be engrossed for a third reading.

Engrossed bill from the Senate, entitled an act to provide for the distribution of the public arms among the different volunteer corps in this state, was read a first time, and ordered to be read a second time.

Engrossed bill from the Senate, entitled an act authorizing titles to the lands and town lots given to the state by the citizens of Tuscaloosa, to be made to the Governor, for the use and benefit of the state, was read a first time; and the rule requiring bills to be read on three several days being dispensed with, it was read a second time; and the rule being further dispensed with, it was read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

A bill to be entitled an act to establish a ferry and appoint commissioners to lay out and mark a road therein named, was read a second time, and ordered to be engrossed for a third reading.

Engrossed bill from the Senate, entitled an act prescribing the mode of probating the will of Francis Jones, deceased, was read a first time and ordered to be read a second time.

Engrossed bill to be entitled an act to authorize the Governor to subscribe for the stock reserved for the state in the Bank of Mobile was laid on the table until to morrow.

Mr. Lewis, from the select committee to which was referred so much of the Governor's message as relates to the Creek treaty, reported a bill to be entitled an act to extend the civil and criminal jurisdiction of this state over so much of the Creek nation as was ceded under the treaty of the Indian Springs of 1825, within the chartered limits of the state of Alabama; which was read a first time, and ordered to be read a second time.

A bill to be entitled an act for the relief of William B. Allen—Mr. Vay of Land. moved that the further consideration thereof be indefinitely postponed, which was lost—Yeas 22, nays 40.

The yeas and nays being desired, those who voted in the affirmative are—

mr. Bailey	Craig	Coe	Edmondson	m'Vay of Laud	Rhodes
Brown	Bell	Coleman	Exum	m'Vay of Law	Smith of La.
Bradford	Dupuy	Lewis	massey	Smith of mad.	
Brasher	Duke	m'Clung	Perkins	Terry	-22

Those who voted in the negative are

mr. Speaker	Coopwood	Fluker	moore of Ja.	Raney	
Acklen	Davis of Fr.	Greening	mead	Roberts	
Ambrister	Davis of Ja.	Heard	martin	Smith of Hen.	
Benson	Dale	Harris	Neill	Sims	
Bridges	Dennis	Johnson	Pickens	Williams	
Broadnax	Dubose	Jones	Parham	Weissenger	
Barclay	Ellis	Lawler	Perry	Walthall	
Crenshaw	Edwards	moore of mad	Ross	Whittfield	-40

The bill was then referred to the committee on propositions and grievances.

And then the House adj'ned until to-morrow morning 10 o'clock.

*Thursday, December 21, 1826.*

The House met pursuant to adjournment.

Mr. Broadnax presented the petition of the inhabitants of township 17, range 13, in the county of Autauga, praying the passage of a law to lease the 16th section in said township; which was read, and referred to a select committee, consisting of Messrs. Broadnax, Terry and Mead.

On motion of Mr. Heard, *Resolved*, that the judiciary committee be instructed to inquire into the propriety of the passage of a law making executions issued by justices of the peace bind property from the time they are delivered to the officer, in the same manner that executions do which are issued from the county and circuit courts.

Mr. Duke, from the select committee to which was referred the petition of sundry inhabitants of Marion county, reported a bill to be entitled an act to incorporate the town of Pikeville, in Marion county; which was read a first time, and ordered to be read a second time.

Mr. Exum obtained leave to bring in a bill to be entitled an act to repeal an act entitled an act to fix the time of convening the General Assembly of the state of Alabama, passed Dec. 6th, 1821; which was read a first time, and ordered to be read a second time.

Mr. Coopwood obtained leave to bring in a bill to be entitled an act to provide for the more speedy publication of certain acts of the General Assembly of this state; which was read a first time, and ordered to be read a second time.

Mr. Roberts obtained leave to bring in a bill to be entitled an act to authorize the raising by lottery a sum of money for purposes therein specified; which was read a first time, and ordered to be read a second time.

Engrossed bill entitled an act to repeal in part and amend an act, to fix the salary of the President of the Bank of the State of Alabama, and for other purposes, passed Jan. 14th, 1826, was read a third time. Mr. Moore of Mad. moved that the further consideration of the bill be indefinitely postponed, which was lost—Yeas 31, nays 32.

The yeas and nays being desired—those who voted in the affirmative

Mr. Acklen	Crenshaw	Ellis	Lawler	Raney
Benson	Craig	Coe	Fluker	Smith
Bridges	Coleman	Greening	Moore of Mad.	Smith
Bailey	Dennis	Harris	Moore of Jac.	Smith
Brown	Dupuy	Johnson	Mead	William
Bradford	Dabose	Jones	Martin	Waltha

Those who voted in the negative are

Mr. Speaker	Coopwood	Exum	Massey	Ross
Ambrister	Davis of Fr.	Heard	Neill	Rhodes
Broadnax	Davis of Jack.	M'Clung	Ferkins	Roberts
Bell	Dale Duke	Montgomery	Pickens	Sims
Brasher	Edmondson	M'Vay of Land	Parham	Weissenget
Barclay	Edwards	M'Vay of Law	Perry	Whitfield

And the question being put, shall this bill pass? it was determined in the affirmative—Yeas 32, nays 31.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Davis of Fr.	Heard	Neill	Rhodes
Ambrister	Davis of Jack.	M'Clung	Perkins	Roberts
Broadnax	Dale Duke	Montgomery	Pickens	Sims
Bell	Brasher	Edmondson	M'Vay of Land	Parham
Barclay	Edwards	M'Vay of Law	Perry	Terry
Coopwood	Exum	Massey	Ross	Weissenget
				Whitfield

Those who voted in the negative are

Mr. Acklen	Crenshaw	Ellis	Lawler	Raney
Benson	Craig	Coe	Fluker	Smith of Ha.
Bridges	Coleman	Greening	Moore of Mad.	Smith of La.
Bailey	Dennis	Harris	Moore of Jack.	Smith of Ma.
Brown	Dupuy	Johnson	Mead	Williams
Bradford	Dabose	Jones	Martin	Walthall

Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Lawler obtained leave to bring in a bill to be entitled an act to authorize James M'David to emancipate certain slaves therein named which was read a first time, and ordered to be read a second time.

The House then resolved itself into a committee of the whole on the bill to be entitled an act to authorize the Governor to subscribe for the stock reserved for the state in the Bank of Mobile, Mr. M'Vay of Land in the chair, and after some time spent therein, the committee rose, and Mr. Speaker resumed the chair, and Mr. chairman reported that the committee of the whole house had had under consideration the bill, and instructed him to report the same with an amendment by striking out the enacting clause.

And then the House adjourned till this evening three o'clock.

*Evening Session, 3 o'clock*

The House met pursuant to adjournment.

The House resumed the consideration of a bill to be entitled an act to authorize the Governor to subscribe for the stock reserved for the state in the Bank of Mobile, and the question being put on concur with the report of the committee of the whole house, and determined in the affirmative—Yeas 52, nays 7.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Coopwood	Fluker	m'Vay of Law	Rhodes
Acklen	Coleman	Heard	mead	Raney
Ambrister	Davis of Fr.	Harris	Martin	Smith of Hen.
Brown	Davis of Jack.	Johnson	massey	Smith of Lan.
Bell	Dupuy	Jones	Neill	Smith of mal.
Bradford	Duke	Lawler	Pickens	Sims Terry
Brasher	Edmondson	m'Clung	Perkins	Williams
Barclay	Ellis	moore of mal.	Parham	Weissenger
Crenshaw	Edwards	moore of Jack	Perry	Walthall
Craig	Coe Exum	m'Vay of Land	Powell	Wittfield-52

Those who voted in the negative are  
Mr. Benson Broadnax Dubose Greening Montgomery Ross Roberts-7

A message from the Governor by James I. Thornton, secretary of state: and then he withdrew. Said message is as follows, to wit:

EXECUTIVE DEPARTMENT, Dec. 21st, 1826.

*The Hon. the Speaker and members of the House of Representatives:*

Gentlemen—I hasten to lay before you a communication from the Governor, accompanied by a report and resolution of the Legislature, of the state of Georgia, on the subject of the line dividing this state and Georgia.

I have the honor to be, most respectfully, your obedient servant.

(Signed)

JOHN MURPHY.

*Ordered*, that said message, with the accompanying documents, be referred to the select committee appointed on the subject of the dividing line between this state and the state of Georgia.

On motion of Mr. Moore of Jack. *Resolved*, That the Governor be informed that the Bible Society can have the use of the Representative Hall at five o'clock this evening.

Mr. Acklen obtained leave to bring in a bill to be entitled an act authorizing judges of the county courts to exercise additional jurisdiction in certain cases; which was read a first time, and ordered to be read a second time.

Engrossed bill from the Senate, entitled an act providing for the erection of a state capitol, was laid on the table.

Engrossed bill to be entitled an act supplementary to an act, to establish a state university, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed joint resolution approving the amendment proposed by the state of Tennessee to the constitution of the United States, was laid on the table till the day after to-morrow.

Memorial to the Congress of the United States on the subject of a donation to the trustees of the La Fayette Academy in the village of La Grange, was read a second time, and ordered to be engrossed for a third reading.

And then the House adj'd until to-morrow morning 10 o'clock.

Friday, December 22, 1826.

The House met pursuant to adjournment.

A message from the Senate by Mr. Lyon their secretary.

Mr. Speaker—The Senate insist on their amendment to the bill en-



titled an act to alter the mode of appointing assessors and tax collectors, and for other purposes, by striking out the 2d section, and substituting another in lieu thereof. They have read three times and passed a bill which originated in your House, entitled an act to authorize the trustees of certain 16th sections in Jackson county to lease them for any number of years not exceeding twenty; and, an act giving further time to persons holding claims against their respective counties to file the same. They have read three times and passed, bills which originated in their House, entitled an act relative to certain officers in Fayette county; an act for the relief of the legal representatives of Daniel Duvall; and, an act more effectually to provide for the due execution of certain laws; and, an act to incorporate the Cahawba navigation company: In all of which they ask your concurrence. And then he withdrew.

Mr. Bridges, from the committee on enrolled bills, reported, that they had examined and found correctly enrolled, bills which originated in the Senate, of the following titles, to wit: an act compelling clerks and sheriffs in certain counties therein named to keep their offices at their several court houses; an act to repeal in part an act entitled an act establishing the town of Carthage, in Tuscaloosa county; an act to change the times of holding the county courts of Jefferson and Madison counties; an act to divorce John Diamond from Lizzy Diamond; and, an act for the relief of Andrew O. Horn. Also, bills which originated in the House, of the following titles, to wit: an act prescribing the punishment of slaves and free persons of color for the commission of the crime of manslaughter on other slaves or free persons of color; an act to authorize the field officers of the 46th regiment to form a company of militia in Broxton's settlement; an act to divide the 42d regiment of the militia of this state; an act directing in what manner and in what courts suits may be brought against the state of Alabama; and, a joint resolution of the Senate and House of Representatives of the state of Alabama, disapproving certain resolutions of the legislatures of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, and a resolution of the legislature of New-Jersey, recommending a system of foreign colonization.

The House insist on their disagreement to the amendment made by the Senate to the bill entitled an act to alter the mode of appointing assessors and tax collectors, and for other purposes. Ordered, that a committee of conference be appointed on the part of this House.—Whereupon messrs. Weissenger, Davis of Fr. and Terry were appointed said committee.

Mr. Perkins, from the committee on proposition and grievances, to which was referred a resolution of this House instructing them to inquire into the propriety of allowing compensation to B. B. Breedin, Esq. for his services as solicitor in the county court of Mobile county, reported a bill to be entitled an act providing for the compensation of B. B. Breedin; which was read a first time, and ordered to be read a second time.

On motion of Mr. Barclay, *Resolved*, that a select committee be appointed to inquire into the expediency of reducing the price of the Digests of the Laws of the State of Alabama that are yet unsold.—Whereupon messrs. Barclay, Moore of Mad. and Sims were appointed said committee.

Mr. Heard, from the select committee to which was referred the petition of Reuben Chapman, reported a bill to be entitled an act to compensate Reuben Chapman for certain services therein mentioned; which was read a first time, and ordered to be read a second time.

Mr. Terry obtained leave to bring in a bill to be entitled an act to define the boundary line between Shelby and Autauga counties; which was read a first time, and ordered to be read a second time.

*Ordered*, that messrs. Smith of Mad. Perkins and Johnson be added to the committee on propositions and grievances. *Ordered*, that Mr. Smith of Mad. be added to the military committee.

The House took into consideration a bill to be entitled an act to establish an office of discount and deposite of the Bank of the State of Alabama at — in the Tennessee valley. The bill was then read a third time. Mr. Greening moved that the bill lie on the table.

And then the House adjourned till this evening 3 o'clock.

*Evening Session, 3 o'clock.*

The House met pursuant to adjournment.

The House resumed the consideration of the bill to be entitled, an act to establish an office of discount and deposite of the bank of the state of Alabama at — in the Tennessee valley. The question was put on Mr. Greening's motion to lay the bill on the table; which was lost. Yeas 23, Nays 33.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker	Broadnax	Greening	mead	Terry
Benson	Crenshaw	Johnson	martin	Weissinger
Bridges	Coleman	Jones	massey	Walthall—23
Bailey	Dennis	Lawler	Perry	
Brown	Edwards	Lewis	Smith of Hen.	

Those who voted in the negative are

Mr. Acklen	Coe	Exum	McVay of Laud	Raney
Ambrister	Coopwood	Fluker	McVay of Law	Smith of Lau.
Bell	Davis of Fr.	Heard	Neill	Smith of Mad.
Bradford	Davis of Ja.	Harris	Perkins	Sims
Brasher	Dubose	McClung	Parham	Whitfield—33
Barclay	Edmondson	moore of mad.	Powell	
Craig	Ellis	moore of Jack.	Rhodes	

Mr. McVay of Laud. moved to amend the bill by way of the following engrossed rider—"and that from and after that time, no individual partnership or body corporate, (the trustees of the University of Alabama, in their corporate capacity excepted,) shall become indebted, either directly or indirectly by discount or otherwise, in a greater amount than five hundred dollars, any thing in this act to the contrary notwithstanding.

Mr. Coopwood moved to amend the amendment by way of the following proviso. Provided, that this section of this act shall not affect in any way those who have heretofore received greater discounts than five hundred dollars, which was carried; and the question was then put on the adoption of Mr. McVay's, of Laud. amendment, as amended, and was lost. Mr. Lewis moved

to amend the bill by way of the following engrossed rider. Be it further enacted, that the provisions of this act be, and the same is hereby extended, so as to establish an office of discount and deposite of the state bank in the town of Montgomery.

Sec. And be it further enacted, That the President and directors of the bank of the state of Alabama be, and they are hereby required, in behalf of the state, to supply the said office of discount and deposite at Montgomery, with the amount of the notes of the bank of the state of Alabama, to which the counties of Montgomery, Pike, Henry, Covington, Dale, Conecuh, Butler, Wilcox, Monroe, Dallas, Perry and Autauga, may be entitled to receive by discount, in the same manner as prescribed in the second section.

Sec. And be it further enacted, that the president and directors, to be elected at the town of Montgomery, shall consist of the same number, be elected in the same manner, continue in office the same length of time, subject to the same conditions, limitations and restrictions, required to perform the same duties, entitled to the same powers, rights and privileges, and in all things be governed by the same rules and regulations as are prescribed in the foregoing sections, in relation to the establishment of an office of discount and deposite of the bank of the state of Alabama in the Tennessee valley.

Sec. And be it further enacted, that the said office of discount and deposite at Montgomery, shall continue as long as the office of discount and deposite established in the Tennessee Valley, and no longer: and the previous question being called for, which was on Mr. Lewis' proposed amendment—Yeas 34, Nays 29.

The Yeas and Nays being desired by Mr. Smith, of Land, those who voted in the affirmative are,

Mr. Speaker	Crenshaw	Dubose	Lawler	Parham,
Acklin	Coe	Duke	McClung	Ross
Benson	Coopwood	Edwards	Moore of Jack.	Roberts
Bridges	Coleman	Exum	McVay of Law.	Smith of Hen.
Bailey	Davis of Jack.	Greening	Massey	Terry
Brown	Dale	Johnson	Perkins	Weissinger—34
Broadnax	Dennis	Jones	Pickens	

Those who voted in the negative are,

Mr. Ambriester	Davis of Frank	Lewis	Neill	Smith of mad.
Bell	Edmondson	Montgomery	Perry	Sims
Bradford	Ellis	Moore of mad.	Powell	Williams
Fraser	Fluker	McVay of Land	Rhodes	Walthall
Barclay	Heard	mead	Raney	Whitfield—29
Craig	Harris	martin	Smith of Land.	

And the question was then put on the adoption of Mr. Lewis' amendment, and lost—Yeas 50, Nays 34.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Crenshaw	Dupuy	Jones	Perry
Denson	Coe	Dubose	Lewis	Ross
Bridges	Coleman	Duke	Montgomery	Roberts
Bailey	Davis of Jack.	Edwards	Mead	Smith of Hen.
Brown	Dale	Greening	Massey	Terry
Broadnax	Dennis	Johnson	Pickens	Weissenger, 30

Those who voted in the negative are

Mr. Acklen	Coopwood	Harris	martin	Smith of Land.
Ambriester	Davis of Fr.	Lawler	Neill	Smith of mad.
Bell	Edmondson	McClung	Perkins	Sims



Bradford	Ellis	Moore of Mad. Parham	Williams
Brasher	Exum	Moore of Jac. Powell	Walthall
Barclay	Fluker	m'Vay of Land Rhodes	Whitfield-34
Craig	Heard	m'Vay of Law Raney	

And the question being put, shall this bill pass? it was determined in the negative—Yeas 29, Nays 35.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Barclay	Ellis	m'Vay of Law. Raney
Ambrister	Coe	Heard	Neill
Broadnax	Coopwood	Harris	Perkins
Bell	Davis of Fr.	m'Clung	Parham
Bradford	Davis of Ja.	moore of mad. Powell	Williams
Brasher	Edmondson	moore of Jack. Rhodes	Whitfield—29

Those who voted in the negative are

Mr. Speaker	Coleman	Exum	montgomery	Ross
Benson	Dale	Fluker	m'Vay of Land	Roberts
Bridges	Dennis	Greening	nead	Smith of Hen.
Baily	Dupuy	Johnson	martin	Smith of Lau.
Brown	Duhose	Jones	massey	Terry
Crenshaw	Duke	Lawler	Pickens	Weissenger
Craig	Edwards	Lewis	Perry	Walthall-35

On motion of Mr. Lawler, *R. subced.* That the Speaker of this House request the rev. Robert Cunningham and James Hillhouse to preach in the representative hall this evening at six o'clock—and then the House adjourned till to-morrow morning 10 o'clock. *Saturday, Dec. 23, 1826.*

The House met pursuant to adjournment.

Mr. Massey presented the petition of Garland Hardwick, and Mary Hardwick, adm'r. and adm'x of George Hardwick, sen'r. deceased, praying the passage of a law authorizing the sale of certain real estate therein named, which was read and referred to a select committee, consisting of Messrs. Massey, Coleman, and Moore of Jackson.

Message from the senate by Mr. Lyon, their Secretary.

Mr. Speaker—The Senate have passed bills which originated in their House—entitled, an act for the relief of James W. Armstrong, an act authorizing the extension of the lease taken by Seth Hunt, of the salt springs in Clarke and Monroe counties: an act to authorize E. Kenedy, adm'r. of William Wright, dec'd. to sell real estate.

Joint resolutions providing for the purchase of certain books for the use of the state: An act to compensate the commissioners appointed by the governor for ascertaining and marking the permanent boundary line between this state and Georgia: In all of which they desire your concurrence.

They have also passed bills which originated in the House of Representatives, entitled: an act for the relief of James Hall, and an act to alter the time of holding the county courts of Lawrence, Limestone, Landerdale, Dallas, Autauga, Montgomery, Perry, and Conecuh, and then he withdrew.

Mr. Martin obtained leave to bring in a bill to be entitled, an act to amend in part an act entitled an act for the relief of Wm. McDaniel, passed the day of 1825, which was read a first time, and ordered to be read a second time.

*Ordered,* That Mr. Raney have leave of absence till Tuesday next.

Mr. Coopwood obtained leave to bring in a bill to be entitled—an act to repeal in part, and amend an act to regulate the fees of justices, constables and lawyers, passed Dec. 24, 1826, which was read a first time, and the question being put, shall this bill be read a second time, it was determined in the negative.



Mr. Duke obtained leave to bring in a bill to be entitled—an act to incorporate the Pikeville Library Company, which was read a first time and ordered to be read a second time.

Mr. Lewis obtained leave to bring in a bill to be entitled, an act to amend the law relating to guard and secure the right of trial by jury, which was read a first time and ordered to be read a second time.

Engrossed bill from the Senate, entitled, an act to compensate the commissioners appointed by the Governor, for ascertaining and marking the permanent boundary line between this state and Georgia, was read a first time the rule requiring bills to be read on three several days being dispensed with it was then read a second time forthwith, and ordered to be read a third time on Monday next. Mr. Powell, who voted in the majority on ordering the bill to be read a third time on Monday next, moved to reconsider the vote which was carried; the bill was then referred to a select committee, composed of Messrs. Davis, of Frank. Perkins and Barclay.

Engrossed joint resolutions from the Senate, providing for the purchase of certain books for the use of the state, was read a first time, and ordered to be read a second time.

Engrossed bill from the Senate, entitled—an act authorizing an extension of the lease taken by Seth Hunt, of the Salt Springs, in the counties of Clay and Monroe, was read a first time, and ordered to be read a second time.

Mr. Moore, of Jack. from the committee on enrolled bills, reported, that he had examined and found correctly enrolled, bills which originated in the House of the following titles, to wit: an act supplementary to the several acts heretofore passed in relation to the county court of the county of Mobile, and for other purposes: an act to divorce Kelly Stegall from Nancy Stegall: an act to repeal in part and amend an act entitled an act, for the relief of the inhabitants of the first township, range seven, east of the basis meridian of the county of Mobile, approved January 9th, 1826: an act to amend an act to incorporate the town of Florence in the state of Alabama: an act to authorize the judge of the county court and commissioners of revenue and roads, of St. Clair county, to levy an extra tax for the purpose of building a jail in and for the county: an act to divide the 36th regiment of Alabama militia: an act for the relief of Mary Latham: an act to allow Wm. Wharton to erect a mill on the creek in St. Clair county: an act to authorize the trustees of certain 16th sections in Jackson county to lease them for any number of years not exceeding twenty : an act giving further time to persons holding claims against their respective counties to file the same—also, an act which originated in the Senate, entitled, an act to amend the laws now in force for the punishment of malicious mischief.

Engrossed bill from the Senate, entitled—an act to authorize E. Keiser, administrator of the estate of William Wright, deceased, to sell real estate, was read a first time and ordered to be read a second time.

Engrossed bill from the Senate, entitled—an act for the relief of James Armstrong, was read a first time, and ordered to be read a second time.

Engrossed bill from the Senate, entitled—an act providing for the erection of a state capitol. Mr. Ross moved to amend the 6th section and 7th of the word assembly with the following “Nor thereafter, until the same is sanctioned by the Legislature then in session;” which was lost. Mr. Ross then moved to amend the bill by striking out the 6th section, which was lost. Yeas 25—Nays 37.

The yeas and nays being desired—those who voted in the affirmative were Mr. Speaker Coleman Edwards Lewis Roberts

Jdges	Davis of Fr.	Greening	Mead	Smith of Hen.
iley	Dale	Johnson	Massey	Terry
badnax	Dennis	Jones	Pickens	Weissenger
enshaw	Duke	Lawler	Perry	Walthall—25

Those who voted in the negative are

Acklen	Coopwood	Fluker	M'Vay of Law.	Rhodes
brister	Davis of Jack.	Heard	Martin	Raney
own	Bell Dupuy	Harris	Neill	Smith of Lau.
edford	Dubose	McClung	Perkins	Smith of mad.
asher	Edmondson	Montgomery	Parham	Sims
relay	Ellis	Moore of Jack.	Powell	Williams
big	Coe Exum	M'Vay of Laud	Ross	Whitfield—37

Mr. McClung moved the following amendment to the 4th section, at the end thereof: "which plan, if furnished, shall be binding on said commissioners;" which was adopted. Mr. Johnson moved to amend the 4th section at the end thereof, with the following: "That the plan be furnished by the present General Assembly," which was lost. Mr. Roberts moved to amend the 6th section, by adding at the end thereof the following—"and that for any labor done, or appertaining to the said state capital, or for any materials and contingencies which may be necessary to carry the provisions of this act into effect, payment shall be made in the following manner, viz: The commissioners, or majority of them shall certify in writing the amount of money due to any undertaker or undertakers, for labor done, materials furnished, or for any necessary contingency; which certificate shall be presented to the comptroller by a person or persons, or their legal representatives, to whom such sum or sums of money may be due; and it shall be the duty of the said comptroller to issue his warrant upon the treasury for the amount of the same, provided the amount so certified shall not exceed the amount of money set apart and appropriated;" which was adopted.

Mr. Terry moved to strike out the words of the "General Assembly," in the 6th section.

Mr. Speaker stated that the 6th section could not now be amended, inasmuch as it was then without the power of the House.

Mr. Lewis appealed to the House from the decision of the Chair, and the vote was taken and determined in favor of the decision of the Speaker.

Mr. Ross moved the following amendment to the 8th section, at the end thereof: "and it shall be the duty of the commissioners aforesaid, to lay before the General Assembly, within the three first days of their next session, a report of the state and progress of said edifice, also a correct and minute account of the disposition of the funds hereby appropriated," which was adopted.

Mr. Barclay, who voted in the majority, moved to reconsider a vote given on Mr. Weissinger's motion to strike out the 6th section of the bill, which was carried. Mr. Davis, of Frank. then moved to amend the 6th section of the bill, after the word "sum," with the following—"not exceeding the amount of dollars, which is the amount of the seat of government fund, which has been made by the charter of the state bank, or part of the capitol of that bank"—which was lost.—Yeas 28, Nays 36.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Benson, Bridges, Bailey, Broadnax, Crenshaw, Coleman, Davis of Frank. Dale, Dennis, Duke, Edwards, Greening, Johnson, Jones, Lawler, Lewis, Montgomery, Mead, Massey, Pickens, Perry, Roberts, Smith, Hen. Smith of Laud, Terry, Weissinger, Walthall—25.

Those who voted in the negative, are—Mr. Acklen, Ambrister, Brown,

Bell, Bradford, Brasher, Barclay, Craig, Coe, Coopwood, Davis, Dupuy, Dubose, Edmonson, Ellis, Exum, Fluker, Heard, Harris, Moore of Jackson, Moore of Madison, McVay of Laud, McVay of tin, Neil, Perkins, Parham, Powell, Ross, Rhodes, Raney, Sm Sims, Williams, Whitfield—36

Mr. Coopwood moved to amend the 6th section of the bill, by striking the words, "the seat of government fund." and substituting in lieu thereof, "sum of            dollars;" a division of the question being called vote was first taken on striking out, which was lost—Yeas 29, Nays 3.

The yeas and nays being desired, those who voted in the affirmative

Mr. Speaker, Benson, Bridges, Bailey, Broadnax, Crenshaw, Coleman, Davis of Frank, Dale, Dennis, Duke, Edwards, Greening, Jones, Lawler, Lewis, Montgomery, Mead, Massey, Pickens, Perry, Roberts, Smith of Hen. Terry, Weissinger, Walthall.—29.

Those who voted in the negative are

Mr. Acklen, Armbrister, Brown, Bell, Bradford, Brasher, Barclay, Coe, Davis of Jack, Dupuy, Dubose, Edmondson, Ellis, Exum, Fluker, Harris, McClung, Moore of Jack, McVay of Laud, McVay of Law, Martin, Neill, Perkins, Parham, Powell, Rhodes, Smith of Laud, Sims, Williams and Whitfield.—34.

Mr. Coopwood moved further to amend the 6th section of the bill after word 'Treasury, with the words "in lieu of said fund," which was lost.—28, Nays 35.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker, Benson, Bridges, Bailey, Broadnax, Crenshaw, Coopwood, Coleman, Dale, Dennis, Duke, Edwards, Johnson, Jones, Lewis, Lawler, Montgomery, Moore of Jack, Mead, Massey, Pickens, Perry, Ross, Roberts, Smith of Hen. Terry, Weissinger, Walthall.—28.

Those who voted in the negative are

Mr. Acklen, Armbrister, Brown, Bell, Bradford, Brasher, Barclay, Coe, Davis of Frank, Davis of Jack, Dupuy, Dubose, Edmondson, Ellis, Exum, Fluker, Greening, Heard, Harris, McClung, Moore of Jack, McVay of Laud, McVay of Law, Martin, Neill, Perkins, Parham, Powell, Rhodes, Smith of Laud, Sims, Williams, Whitfield.—35.

Mr. Smith of Laud moved to amend the 6th section, by adding after word 'commissioners' the following 'which sum the President and Directors of the State Bank, be authorized and hereby required to advance to the check of the comptroller or Treasurer, and the said sum now vested in the State Bank, shall be held, and pledged for the payment of the same.'

Mr. Terry called for the previous question, and the question was whether or not the main question shall be put, which was lost—Yeas 28, Nays 32.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker, Benson, Bailey, Broadnax, Brasher, Crenshaw, Coleman, Davis of Frank, Dale, Dennis, Duke, Edwards, Fluker, Greening, Heard, Johnson, Jones, Lawler, Montgomery, Mead, Massey, Pickens, Perry, Roberts, Smith of Hen. Terry, Weissinger, Walthall.—28.

Those who voted in the negative are

Mr. Armbrister, Brown, Bell, Bradford, Barclay, Craig, Coe, Coopwood, Davis of Jack, Dupuy, Edmondson, Ellis, Exum, Harris, Lewis, McClung, Moore of Jack, Moore of Madison, McVay of Laud, McVay of Law, Martin, Neill, Perkins, Parham, Powell, Ross, Rhodes, Smith of Laud, Smith of Madison, Sims, Williams, Whitfield.—32.

The question was then put on the adoption of Mr. Smith's amendment and  
 Yea—21, Nays 38.

The yeas and nays being desired, those that voted in the affirmative are  
 Mr. Speaker, Benson, Craig, Coleman, Dale, Dennis, Duke, Edwards,  
 Exum, Fluker, Johnson, Jones, McClung, Montgomery, McVay of Land,  
 Massey, Perry, Ross, Roberts, Smith of Hen. Smith of Land—21.

Those who voted in the negative are

Mr. Acklen, Ambriester, Bridges, Brown, Broadnax, Bell, Bradford Brasher, Barclay Crenshaw, Coe, Coopwood, Davis of Frank, Davis of Jack, Dupuy, Edmondson, Ellis, Greening, Heard, Harris, Lawler, Moore of Mad, Moore of Jack, McVay of Land, Martin, Neill, Perkins, Pichens, Parham, Powell, Rhodes, Smith of Mad, Sims, Terry, Williams, Weissinger, Walthall, Whitfield—38.

The bill was then read a second time as amended, and the question being put; shall this bill be read a third time on Tuesday next? it was determined in the affirmative. —Yeas 55, Nays 26

The yeas and nays being desired, those who voted in the affirmative are, Mr. Acklen, Ambriester, Brown, Bell, Bradford, Brasher, Barclay, Craig, Coe, Coopwood, Davis of Jack, Dupuy, Duke, Edmondson, Ellis, Exum, Fluker, Heard, Harris, McClung, Montgomery, Moore of Mad, McVay of Land, McVay of Law, Martin, Neill, Perkins, Parham, Powell, Ross, Rhodes, Smith of M. L. Sims, Williams, Whitfield—55.

Those who voted in the negative are Mr. Speaker, Benson, Bridges, Bailey, Broadnax, Crenshaw, Coleman, Davis of Frank, Dale, Dennis, Edwards, Greening, Johnson, Jones, Lawler, Lewis, Moore of Jack, Massey, Pichens, Perry, Roberts, Smith of Hen, Smith of Land, Terry, Weissinger, Walthall—26 and the question was then put to affirm this. Done till 3 o'clock this evening, and determined in the negative. —Yeas 24, Nays 35

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Benson, Bridges, Bailey, Broadnax, Brasher, Barclay, Crenshaw, Coleman, Davis of Jack, Dennis, Duke, Edwards, Johnson, Jones, Lawler, Montgomery, Moore of Jack, Moore, Massey, Perry, Ross, Roberts, Smith of Hen.—24.

Those who voted in the negative are, Mr. Acklen, Ambriester, Brown, Bell, Bradford, Craig, Coe, Coopwood, Davis of Frank, Dupuy, Duke, Edmondson, Ellis, Exum, Fluker, Greening, Heard, Harris, Lewis, McClung, Moore of Mad, McVay of Land, McVay of Law, Martin, Neill, Perkins, Parham, Pichens, Powell, Rhodes, Smith of Land, Smith of Mad, Sims, Terry, Williams, Weissinger, Walthall, Whitfield—35.

It now being two o'clock, Mr. Terry moved that the house adjourn until half past two o'clock this evening, which was lost—yeas 25 nays 37

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Bailey, Broadnax, Brasher, Barclay, Crenshaw, Coleman, Dale, Dennis, Duke, Edwards, Exum, Johnson, Jones, Lawler, Montgomery, Moore, Massey, Parham, Perry, Ross, Roberts, Smith of Hen, Terry—25

Those who voted in the negative are,—Mr. Acklen, Ambriester, Benson, Brown, Bell, Bradford, Craig, Coe, Davis of Fr, Davis of Jack, Dupuy, Edmondson, Ellis, Fluker, Greening, Heard, Harris, Lewis, McClung, Duke, Edmondson, Ellis, Fluker, Greening, Heard, Harris, Lewis, McClung, Moore of Mad, Moore of Jack, McVay of Land, McVay of Law, Martin, Neill, Perkins, Pichens, Powell, Rhodes, Smith of Land, Smith of Mad, Sims, Williams, Weissinger, Walthall, Whitfield—37

Mr. Moore of Jackson, offered the following resolution, *Resolved*, that this



House adjourn till ten o'clock on Tuesday next, and the Speaker be requested to invite some Divine to perform service on Christmas day at the State House. Mr. Coopwood moved to amend the resolution by adding "at at the house at 10 o'clock P. M." which was lost.

The resolution was then laid on the table. On motion of Mr. Barclay, Resolved, that the Speaker be requested to invite the Rev. Mr. Cunningham to perform divine service this evening in the Representative Chamber.

Mr. Roberts moved that this House adjourn until Tuesday morning 10 o'clock, which was lost.—Yeas 29, Nays 33.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Acklin, Ambrister, Benson, Craig, Davis of Jack. Dale, Ellis, Exum, Greening, Heard, Harris, Johnson, McClung, Montgomery, Moore of Jack. Mead, Massey, Neill, Perkins, Parham, Perry, R. Smith of Hen. Sims, Weissenger, Whitfield.—29.

Those who voted in the negative are, Mr. Bridges, Bailey, Brown, Bell, Bradford, Brasher, Barclay, Crenshaw, Coe, Coopwood, Coleman, Davis of Frank. Dupuy, Dubose, Duke, Edmondson, Fluker, Jones, Lewis, McVay of Land. McVay of Law. Martin, Pickens, Powell, Rhodes, Smith of Land. Smith of Mad. Terry, Williams, Wathall.—33.

Mr. Ross offered the following resolution: *Resolved*, that a committee be appointed to inquire into the expediency of appointing a Chaplain of the House, with leave to report by bill or otherwise. And then the House adjourned until Monday Morning 10 o'clock.

*Monday, December 25, 1820*

The House met pursuant to adjournment, Mr. Bradford moved that the House now adjourn until to-morrow morning 10 o'clock, which was lost. Yeas 27, Nays 29.

The yeas and nays being desired, those who voted in the affirmative are,

Mr Speaker	Barclay	Ellis	Neill	Roberts
Ambrister	Craig	Coe	Greening	Perkins
Bailey	Davis of Jack.	McClung	Parham	Smith of Hen.
Broadnax	Dale	Montgomery	Perry	Williams
Bell	Bradford	Edmondson	Moore of Mad.	Ross
				Weissenger,

Those who voted in the negative are,

Mr. Benson	Coopwood	Dubose	Duke	Lawler	Lewis	Pickens
Bridges	Coleman	Edwards	McVay of Land	Rhodes		
Brown	Davis of Fr.	Exum	Harris	McVay of Law.	Smith of La	
Brasher	Dennis	Johnson	Mead	Martin	Terry	
Crenshaw	Dupuy	Jones	Massey	Wathall	—	

Mr. Craig then moved that this House adjourn until half past nine o'clock to-morrow morning, which was carried.—Yeas 28, Nays 26.

The yeas and nays being desired, those who voted in the affirmative are

Mr Speaker	Barclay	Ellis	Mead	Neill	Smith of Hen
Ambrister	Craig	Coe	Greening	Perkins	Smith of Mad
Bailey	Davis of Jack.	McClung	Parham,		Williams
Broadnax	Dale	Montgomery	Perry	Ross	Weissinger
Bell	Brasher	Edmondson	Moore of Mad.	Roberts	

Those who voted in the negative are

Mr. Benson	Coleman	Duke	Lawler	Lewis	Pickens
Brown	Davis of Frank.	Edwards	McVay of Land	Rhodes	
Bradford	Dennis	Harris	McVay of Law.	Smith of La	
Crenshaw	Dupuy	Johnson	Martin	Terry	
Coopwood	Dubose	Jones	Massey	Wathall	—

And then the House adjourned till to-morrow morning half past nine o'clock.

*Tuesday, December 26. 1826.*

The House met pursuant to adjournment. Mr. Ross from the committee on accounts, to whom was referred the account of Wm. Hemphill, claiming compensation as a witness on the part of the State, in the Circuit Court of Conecuh county, reported that said account is legally chargeable upon the county, not upon the State Treasury; which was laid on the table.

Mr. Ross from the committee on accounts, to whom was referred the account of James M. Nabors claiming compensation for returning the votes given in the late Senatorial election, for the district composed of the counties of Shelby and Autauga, and travelling one hundred and forty miles in the performance of that duty, reported that they are not aware of any law under which said account can be paid, and beg leave to be discharged from the further consideration of the same. Ordered that said report lie on the table.

Mr. Parham, from the select committee to whom was referred the petition of sundry inhabitants of Franklin county, reported a bill to be entitled an act, to incorporate the New-Orleans and Tusculum Steam-Boat company, which was read a first time and ordered to be read a second time.

Mr. Bridges, from the select committee to whom was referred the petition of the inhabitants of Township 13. in Range 7. in Wilcox county, reported a bill to be entitled an act, to authorize the inhabitants of Township 13. in Range 7. in Wilcox county, to sell a 16th Section, and for other purposes, which was read a first time and ordered to be read a second time.

Mr. Bridges, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills which originated in this House of the following titles, to wit: an act, to alter the times of holding the County Courts of Lawrence, Limestone, Lauderdale, Dallas, Autauga, Montgomery, Perry and Conecuh; and an act for the relief of James Hall.

Mr. Greening, from the select committee to whom was referred so much of the Governor's Message of the 12th instant, as recommends an increase of the Capital Stock of the Bank of the State of Alabama, reported a bill to be entitled an act, to increase the Capital Stock of the Bank of the State of Alabama, which was read a first time and ordered to be read a second time.

Mr. McVay, of Laud. presented the petition of Martha Brandon, widow and relict of Josiah K. Brandon deceased, praying the passage of a law, to authorize her to sell certain lots in the town of Tuscaloosa, which was read and referred to a select committee consisting of Messrs. McVay of Laud. Ellis and Perkins.

Mr. Powell, obtained leave to bring in a bill to be entitled an act, to repeal all that part of the charter of the Bank of the State of Alabama that relates to secrecy, which was read a first time and ordered to be read a second time.

Mr. Davis of Frank. obtained leave to introduce joint resolutions of the Senate and House of Representatives of the State of Alabama, deeming it inexpedient to make any appropriation for the erection of a state Capitol at the present session of the Legislature, which was read a first time, which is as follows: Whereas a bill is now pending in this house having for its object an appropriation to erect a capitol for the state of Alabama, and whereas, said bill contemplates an appropriation equal to the fund denominated the seat of Government fund, and whereas, that fund by the 4th section of the charter establishing a state Bank, has been transferred to said bank and forms a part of the capitol stock thereof, and whereas, we deem it of the utmost importance to support by every means in our power that institution, and the withdrawal of that fund which amounts at present to \$45,330,26 1/4. would considerably weaken and cripple its operations, and as we believe this to be an important crisis in the affairs of said institution owing to the establishment of a branch of

the United States Bank in the city of Mobile, as well as the hostility before manifested against it by some of the local institutions of this state, deem it impolitic and injudicious at this time to make an appropriation of said fund, for any purpose whatever. It would have the effect of counteracting the accommodating of said Bank \$35,652 52 1-2 cents, as it is authorized to issue two dollars in notes for one of capital stock. And whereas, the tax on the state of Alabama owing to the present unparalleled pecuniary distresses of the citizens of said state is extremely oppressive, we feel it a duty incumbent on the present Legislature to retard them as far as we can consistent with a sound policy, and whereas, if said bill making said appropriation should pass, a sum of 43,330,26 1-4 cents would have to be drawn from the treasury of the State, and as we believe it would be better policy to apply said fund to the current expences of the Government, by which means, the state taxes for next year, might be reduced at last two thirds below the state tax for the present year, as there will be a surplus in the treasury after paying the expenses of the present year of about \$30,000 and the expenses of the year 1821 will be about \$50,000, we deem it a better policy to defer making the appropriation at the present session of the Legislature, as we cannot for a moment conceive that either course would have any effect on the question of the present location of the seat of Government at this place: and whereas if a proposition is made from the treasury of this state for the sum contemplated in the bill aforesaid, a future legislature may be called on to make an appropriation of the aforesaid seat of Government fund and its proceeds.

Be it therefore resolved by the Senate and House of Representatives that they deem it inexpedient to make any appropriation for the erection of a Capitol at the present session of the Legislature.

Be it further resolved, that the sheriffs of the different counties of this state be required by the next general election for members of the Legislature, to open a poll and that the people who are qualified to vote for members of the state Legislature be informed by an advertisement of the sheriffs of the different counties at least thirty days before said election that such poll will be opened at each election precinct in their respective counties, and said qualified electors are requested to state on a ticket, whether they wish such appropriation to be made or not, at the next session of the General Assembly, and that the Sheriff be required to forward the result of the said poll to the office of the Secretary of State, and by him submitted to the next General Assembly.

Be it further Resolved that the committee of ways and means be instructed to report a bill appropriating the surplus revenue of the present year, to defray the current expenses of the ensuing year; and that for the relief of the treasury for the ensuing year, be diminished in proportion equal to the sum so appropriated, which was read a first time. Mr. Coopwood moved that the resolution lie on the table till to-morrow, which motion was carried.—Yeas 33, Nays 2.

The yeas and nays being desired, those who voted in the affirmative

Mr. Acklen	Craig	Ellis	M'Vay of Land.	Ross
Ambrister	Coe	Exum	M'Vay of Law.	Rhodes
Brown	Coopwood	Fluker	Martin	Roberts
Bell	Davis of Ja.	Harris	Neill	Williams
Bradford	Dupuy	M'Clung	Perkins	Whitfield—33
Brasher	Dubose	Montgomery	Parham	
Barclay	Edmondson	Moore of Mad.	Powell	

Those who voted in the negative are

Mr. Speaker	Crenshaw	Edwards	Mead	Smith of Law.
Eason	Coleman	Greening	Massoy	Smith of Mad.

Bridges	Davis of Fr.	Jones	Pickens	Terry
Bailey	Dale	Dennis Lawler	Perry	Weissenger
Broadnax	Duke	Moore of Jack.	Smith of Hen.	Walthall-26

A message from the Governor by James I. Thornton, Secretary of State, which is as follows, to wit:

*Mr. Speaker.*-- I am instructed by the Governor to inform you that he did, on 22d inst. approve and sign bills of the following titles, to wit: an act to establish a certain road therein designated; an act to authorise the county court of Wilcox county to lay an extra tax; an act to compel the commissioners of the town of Greenville in Butler county to transfer all papers relative to the lots of the said town to the Judge of the county court & commissioners of roads and revenue of Butler county; an act to provide for the payment of petit jurors in certain cases therein named; an act more effectually to secure the compensation allowed by law, to jurors therein mentioned; an act authorizing the election of certain officers in the town of Greenville, in Butler county; an act to amend an act, passed December 20, 1820, amending an act, passed 13th November 1819, incorporating the town of Triana; all of which originated in his House. And then he withdrew.

Mr. Moore of Jack from the select committee to whom was referred a resolution of this House, instructing them to inquire into the expediency and policy of so altering the laws now in force regulating the retailers of spirituous liquors; reported a bill, to be entitled an act to authorize the sale of spirituous liquors in any quantity not less than one quart, which was read a first time and ordered to be read a second time.

Mr. McClung offered the following resolution: *Resolved* that the Senate and House of Representatives, with the consent of the Senate, will assemble in the Representative chamber at the hour of 6 o'clock in the afternoon of Thursday next, for the purpose of electing a President and Directors of the bank of the State of Alabama, which was laid on the table.

Mr. McClung from the committee on ways and means, reported a bill to be entitled an act making appropriations for the year 1827, which was read a first time and ordered to be read a second time.

Mr. Barclay from the select committee to whom was referred a resolution of this House instructing them to enquire into the expediency of reducing the price of Digests of the laws of the State of Alabama that are yet unsold, reported a bill to be entitled an act reducing the price of the Digest of the laws of Alabama, which was read a first time and ordered to be read a second time.

Mr. McVay of Laud. from the select committee to whom was referred so much of the Governor's message as relates to the unsettled accounts between the states of Alabama and Mississippi, and the report of the commissioners and their correspondence in relation to that subject, reported a resolution on the subject of the unsettled accounts between the states of Alabama and Mississippi, which was read a first time and ordered to be read a second time.

Mr. Perkins from the committee on propositions and grievances to whom was referred the memorial of Henry T. Anthony and many of the citizens of Tuscaloosa county, reported a bill to be entitled an act for the relief of Henry T. Anthony, which was read a first time and ordered to be read a second time.

Mr. Davis from the select committee to whom was referred a bill from the Senate to be entitled an act to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and the state of Georgia, reported the same without amendment; the bill was then read a third time and passed. Ordered that the clerk acquaint the Senate therewith.



Mr. Ross from the committee on accounts to whom was referred a bill to be entitled an act for the relief of Theophilus L. Toulmin, tax collector for the county of Mobile for the year 1822, reported a substitute in lieu thereof, which was read a second time and ordered to be engrossed for a third reading.

Mr. Acklin offered the following resolution. *Resolved* that the Bank committee be instructed to enquire into the expediency of giving further time to the creditors of the State Bank, in the several counties in this state, for the payment of the debts due said Bank, which will fall due on the first day of January next, which was laid on the table.

A message from the Governor by James I. Thornton, Secretary of State, and then he withdrew; said message was as follows:

EXECUTIVE DEPARTMENT, Dec 26, 1826.

*The Hon. the Speaker and members of the House of Representatives.*

Gentlemen—I have the honor to transmit you the annual Report of the Board of Trustees of the University of Alabama. The reports of the commissioners to class the university lands in the 1st and 2d judicial circuits have been recently received, and as they place a value, from examination, on these lands, which may not equal the fond expectation of the General Assembly, or the community, I have thought it a duty incumbent on me, to lay them before you, that I may receive such direction as your wisdom may suggest. In a matter so important, and to further an object so interesting as that of the education of the country, the united wisdom and discretion of the public authorities should be employed, when it can be obtained with convenience, to give the greater certainty and effect to the most judicious arrangements. It is proper however to observe, that, according to the best view which I can take of this subject, I shall offer the lands for sale, under the authority given me by law, unless your sound discretion may suggest a better course. I cannot but believe that the examination which has been made gives us correct information of the value of these lands, and that the interest of the University would be promoted by a sale at auction, and afterwards by entry, under the minimum valuation. I beg leave very respectfully to request, that this subject may engage your attention as soon as may be consistent with your other duties, that the lands may be advertised for sale the last of February or early in March next, giving as ample time as possible for the requisite publicity of such sale. The university lands in the 3d judicial circuit have been offered for sale, a small portion only has been sold, and the rest is now liable to entry under the classification which has been made. There is reason to believe that a considerable portion of it will be entered when the planters of the country can obtain the command of their annual funds. The commissioners of the 6th judicial circuit have made several fruitless attempts to get together, but have failed in each on account of their living at a distance from each other. The commissioners of the second judicial circuit classed some lands in the 3d circuit, because the line dividing the conterminous counties in the circuits was not distinctly perceived, and that it would be confusing to separate the plots in such cases. The same good information it is believed has been received, and it may be proper to give the sanction of your authority for this incidental non conformity to the letter of the law.

I have the honor to be, most respectfully, your ob't serv't,

(Signed)

JOHN MURPHY.

*Ordered*, that said report lie on the table, and that two hundred copies thereof be printed for the House.

*Ordered*, that said message together with the accompanying document be referred to the committee on schools, colleges and universities and school and university lands.

A message from the Senate by Mr. Lyon their secretary, said message is as follows

*Mr. Speaker*, the Senate adhere to their amendment to the bill entitled an act to alter the mode of appointing assessors and tax collectors, and for other purposes by striking out the 2d section thereof and substituting another: they have appointed a committee on their part consisting of messrs. Casey, Jackson and Powell, to confer with the committee appointed on the part of your Hon. body on the subject of the disagreement between the two Houses, in relation to the said amendment; they have passed resolutions appointing commissioners to report on the claims of the first purchasers of lots in Cahawba in 1819, to the next General Assembly, and for other purposes, which originated in their house and in which they desire your concurrence; and then he withdrew.

Mr. Davis of Jack. moved to reconsider a vote taken on laying Mr. Acklen's resolution of to day, on the table, which was lost.

On motion of Mr. Davis of Frank. resolved that the Bank committee be instructed to inquire into the expediency of so amending the charter of the Bank of the State of Alabama, so as to require persons borrowing and having borrowed money from the said Bank living in counties that have obtained their quota of discounts, to pay into the Bank said moneys so borrowed, on the first day of April in each year.

A bill to be entitled an act, for the relief of the securities of John Archer deceased, was read a second time and ordered to be engrossed for a third reading.

Mr. Davis of Frank. obtained leave to bring in a bill to be entitled an act, to make compensation to the commissions to close the unsettled accounts between this State and Mississippi which was read a first time, and ordered to be read a second time.

Bills from the Senate of the following titles, to wit: an act to incorporate the Cahawba navigation company; an act for the relief of the legal representatives of Daniel Duval; an act relative to certain officers in Fayette county; an act more affectually to provide for the due execution of certain laws, were severally read a first time, and ordered to be read a second time.

Engrossed resolution from the Senate appointing commissioners to report on the claims of the first purchasers of lots in Cahawba in 1819, to the next General Assembly, and for other purposes, was read a first time, and ordered to be read a second time.

A bill to be entitled an act, to incorporate the Alabama and Tennessee Canal Company, was laid on the table till to morrow.

Mr. Moore of Jack. from the committee on enrolled bills, reported, that they had examined and found correctly enrolled a bill which originated in the Senate, entitled an act, to compensate the commissioners appointed by the Governor, for ascertaining and marking the permanent boundary line between this State and Georgia.

Engrossed bill to be entitled an act, to establish a ferry, and appoint commissioners to lay out a certain road therein named, was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

A bill to be entitled an act more effectually to guard and secure the right of trial by jury, was referred to the judiciary committee: And then the House adjourned till this evening 3 o'clock.

*Evening Session 3 o'clock.*—The House met pursuant to adjournment.

Mr. McVay of Land. from the select committee to whom was referred the petition of Martha Brandon, Adm'rx. of Josiah K. Brandon deceased, reported a bill to be entitled an act, to authorize Martha Brandon Adm'rx. of Josiah K.

Brandon deceased, to sell and convey certain town lots in Tuscaloosa, which was read a first time and ordered to be read a second time.

Mr. Harris, obtained leave to introduce a joint resolution of the Senate and House of Representatives of the State of Alabama in General Assembly convened, discharging Daniel Coleman tax collector for the county of Washington, for the year 1873, from all further liability on his paying into the treasury the sum due the State, which was read a 1st time and ordered to be read a 2d time.

Engrossed bill from the Senate, entitled an act, providing for the erection of a State Capitol, was read a third time.

Mr. Davis of Frank. moved that the bill lie on the table, which was lost.—Yeas 27, Nays 37.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker	Crenshaw	Greening	montgomery	Smith of Lau.
Benson	Coleman	Johnson	mead massey	Smith of Mad.
Bridges	Davis of Fr.	Jones	Pickens	Terry
Bailey	Dale Dennis	Lawler	Perry	Weissinger
Broadnax	Edwards	Lewis	Smith of Hen.	Walthall—27

Those who voted in the negative are

Mr. Acklen	Craig	Coe	Exum	m'Vay of Laud	Ross
Ambrister	Coopwood	Fluker		m'Vay of Law.	Rhodes
Brown	Davis of Ja.	Heard		martin	Raney
Bell	Dubose	Harris		Neill	Sims
Bradford	Dupuy	m'Clung		Perkins	Williams
Brasher	Duke Ellis	moore of mad.	Parham		Whitfield—37
Barclay	Edmondson	moore of Jack.	Powell		

Mr. Craig, moved to amend the bill by way of the following engrossed rider: Provided that no other than the monies arising from the Seat of Government fund, and such other donations as may have been or shall hereafter be made to this state for the purpose, the unsold land at Cahawba excepted, shall be applied to defraying the expenses of erecting the aforesaid Capitol; and that the aforesaid fund and donations is hereby expressly appropriated and set apart for the purpose aforesaid, any law or parts of laws to the contrary notwithstanding. Mr. Perkins moved to amend the amendment with the following, "and it shall be the duty of the President and Directors of the Bank of the State of Alabama, to transfer to the Treasury of the State, the stock and monies in said bank therein above denominated the Seat of Government fund." And the question was then put on the adoption of the amendment, to the amendment, and lost. And the question was then put on the adoption of Mr. Craig's amendment, and lost.—Yeas 30, Nays 34.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Ambrister	Dale	Harris	moore of mad.	Smith of Hen.
Bridges	Dennis	Johnson	m'Vay of Laud	Smith of La.
Bailey	Dubose	Jones	Ross	Smith of mad.
Brown	Duke	Lewis	Rhodes	Terry
Crenshaw	Edwards	m'Clung	Raney	Walthall—30
Craig	Coe	Fluker	montgomery	Roberts

Those who voted in the negative are

Mr. Speaker	Barclay	Ellis	mead	Perry
Acklen	Coopwood	Exum	martin	Powell
Benson	Coleman	Greening	massey	Sims
Broadnax	Davis of Fr.	Beard	Neill	Williams
Bell	Davis of Ja.	Lawler	Perkins	Weissinger
Bradford	Dupuy	moore of Ja.	Pickens	Whitfield—34
Brasher	Edmondson	m'Vay of Law.	Parham	

Mr. Johnson moved to amend the bill by way of the following engrossed rider in the 1st section of the bill after the word selected: 'by the General Assembly.' Mr. McClung moved to amend said amendment by adding thereto the words, 'if made at its present session, and if not, by the commissioners hereinafter appointed,' which was lost. Mr. Moore of Mad. moved to amend the amendment by adding thereto the words 'during their present session,' which was carried. Mr. Johnson's amendment, as amended, was then adopted. Mr. Harris moved to amend said bill by adding thereto the following proviso, to wit: 'provided, that nothing herein contained shall be so construed as to include the lands belonging to the state in the neighborhood of Cahawba, as part of the seat of government fund hereby appropriated,' which was lost. Mr. Dubose called for the previous question on the passage of the bill; and it was determined that the main question should then be put—And the question being put, shall this bill pass? it was determined in the affirmative—yeas 34, nays 30.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Craig	Exum	m'Vay of Land.	Ross
Aubrister	Coe	Flaker	m'Vay of Law	Rhodes
Brown	Cooperwood	Heard	martin	Raney
Cell	Davis of Jack.	Harris	Neill	Sims
Bradford	Dupuy	m'Clung	Perkins	Williams
Brasher	Edmondson	montgomery	Parham	Whitfield-34
Barclay	Ellis	moore of mad.	Powell	

Those who voted in the negative are,

Mr. Speaker	Coleman	Edwards	moore of Jac.	Smith of Hen.
Benson	Davis of Fr.	Greening	mead	Smith of La.
Bridges	Dale	Johnson	massey	Smith of mad.
Bailey	Demaris	Jones	Pickens	Terry
Proctor	Dubose	Lawler	Perry	Weissenger
Crenshaw	Duke	Lewis	Roberts	Walthall-30

*Ordered*, that the clerk acquaint the Senate therewith.

And then the House adjourned until to-morrow morning 10 o'clock.

*Wednesday, December 27, 1826.*

The House met pursuant to adjournment.

Mr. Davis of Fr. from the military committee, to whom was referred the petition of the officers of the 18th regiment Alabama militia, reported a bill to be entitled an act to authorize a more equal division of the 17th and 18th regiments of militia in the county of Tuscaloosa; which was read a first time, and ordered to be read a second time.

Mr. Davis of Fr. from the military committee, to whom was referred the petition of Luke Howard and others, praying to be furnished with arms to equip a volunteer company of infantry, reported, that a bill is in progress in this House to make a general distribution of the public arms of this state; and beg leave to be discharged from the further consideration thereof; which was granted.

Mr. Davis of Fr. from the military committee to whom was referred the letter of Col. Bradford to his excellency, on the subject of arms to equip a volunteer Corps: Reported that a bill is now progressing in this House on the subject of a general distribution of the public arms of this state, and ask leave to be discharged from the further consideration of the same, which was granted.

Mr. Davis of Fr. from the military committee to whom was referred the petition of Joel D. Harris and others, praying to be furnished with arms to equip a corps of cavalry : Reported that a bill is pending before this House on the subject of a general distribution of the public arms of this State and beg leave to be discharged from the further consideration of the same, which was granted.

Mr. Davis of Fr. from the military committee to whom was referred a communication from his excellency, on the subject of petitions from various volunteer corps requesting to be furnished with arms from the arsenal of this state : have had the same under consideration, and ask leave to be discharged from the further consideration of the same, which was granted.

On motion of Mr. Bridges, Resolved, that the judiciary committee be instructed to inquire into the expediency of so changing the times of holding the circuit courts in the first and second circuits, that the courts may not set in the counties of Marengo and Wilcox at the same time.

Mr. Benson from the select committee to whom was referred a memorial to the Congress of the United States, requesting further relief to the purchasers of public lands, reported the same with sundry amendments, the said memorial was then read a second time as amended and ordered to be engrossed for a third reading.

Mr. Broadnax from the select committee to whom was referred the petition of the citizens of a certain township therein named : reported a bill to be entitled an act, to authorize the school commissioners of the seventeenth township of range thirteen to lease the sixteenth section in said township, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and ordered to be engrossed for a third reading.

Mr. Perry offered the following resolution : Resolved, that the military committee be instructed to inquire into the expediency of abolishing the present system of militia musters, and establish in lieu thereof, a system by which the efficient militia shall be required to assemble for six days at their respective count houses, once in each year, for the purpose of instruction, with leave to report by bill or otherwise ; which was lost.

Mr. Ross from the committee on accounts to whom was referred a resolution instructing them to inquire into the expediency of revising and amending the laws of this state, in relation to accounts and claims, so as plainly to distinguish between accounts payable out of the state and county treasuries : Reported that it is inexpedient to legislate upon that subject, and ask leave to be discharged from the further consideration thereof : Ordered that the House disagree to the report of the committee : Ordered that the said resolution be referred to a select committee : whereupon Messrs. Mead, Johnson and Lawler were appointed said committee : Ordered that the House be adjourned until to-morrow morning at 10 o'clock.

*Thursday, December 28th, 1826.*

The House met pursuant to adjournment.

Mr. Dennis presented the petition of the commissioners of roads and enue, of Covington county, praying the passage of a law for raising a sum of money to defray the expenses of building a court house in said county. which was read and referred to a select committee consisting of Messrs. De Smith of H. and Greenlag.

Mr. Ellis presented the petition of William M. Marr, praying the passage of a law authorizing the judges of the circuit courts to decide at what time state of Alabama had title to the 23d and 26th sections of land in town 21, in range 10 west of the basis meridian of Huntsville, which was read.



Mr. Williams moved that the further consideration of said petition be indefinitely postponed, which was carried—Yeas 37, nays 24.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Ambrister	Crenshaw	Dubose	moore of mad.	Raney
Bridges	Craig	Coe	Duke	m'Vay of Laud
Brown	Coleman	Edmondson	m'Vay of Law	Smith of Lau.
Broadnax	Davis of Fr.	Fluker	massey	Smith of mad.
Bell	Davis of Jack.	Harris	Pickens	Sims
Bradford	Dennis	Jones	Perry	Terry
Barclay	Dupuy	Lawler	Rhodes	Williams
				Weissenger 37

Those who voted in the negative are

Mr. Speaker	Coopwood	Heard	mead	Powell
Acklen	Dale	Johnson	martin	Smith of Hen.
Benson	Ellis	m'Chung	Neill	Walthall
Brasher	Evans	Montgomery	Perkins	Whitfield—24
Bailey	Greening	moore of Jack.	Parham	

A message from the Senate by Mr. Lyon their secretary.

Mr. Speaker—The Senate have passed bills and a joint resolution which originated in their House, entitled an act to establish the permanent seat of justice in Walker county; an act to authorize Abraham Smith and his associates to erect a mill on Coosa river; and, a joint resolution providing for the purchase and distribution to each county of two copies of the acts and resolutions of Congress: in which they desire your concurrence. They have also passed a bill which originated in the House of Representatives, entitled an act to incorporate the Tuscaloosa library company, and have amended the same in the manner herewith shown; in which they also desire your concurrence. They have adopted the following resolution, in which they desire your concurrence: Resolved by the Senate, with the concurrence of the House of Representatives, that they will adjourn *sine die* on Saturday next. And then he withdrew.

Ordered, that the said resolution last mentioned be laid on the table.

Mr. Davis of Fr. from the military committee, to whom was referred a resolution instructing them to inquire into the expediency of distributing the public arms of this state, now in the arsenal at this place, to the different volunteer corps of the militia, reported, that they had had the same under consideration, and because a bill is now progressing in this house on that subject, prayed to be discharged from the further consideration thereof; which was granted.

Mr. Davis of Fr. from the military committee, to whom was referred a resolution instructing them to inquire into the expediency of authorizing the 12th regiment of Alabama militia to be divided into three battalions, reported, that they had had the same under consideration, and that he was instructed to report a bill on the subject, to be entitled an act organizing the 12th regiment in St. Clair county; which bill was read a first time, and ordered to be read a 2d time.

Mr. Moore of Jack. from the bank committee, to which was referred a bill to be entitled an act to amend an act to establish the Bank of the State of Alabama, approved Dec. 20, 1823, reported the same without amendment. Said bill was then read a second time. Mr.

Coopwood then moved that said bill lie on the table, which was lost. Mr. Williams then moved to strike out that part of the bill which relates to the annual salary of the clerk, which was lost. Mr. Moon Jack then moved to amend the bill by striking out of the fourth section the words 'and made void' after the word 'repealed,' which was carried. The bill was then ordered to be engrossed for a 3d reading.

Mr. Perkins, from the committee on propositions and grievances to whom was referred the memorial of the judge and commission of roads and revenue for the county of Madison, reported a bill, of general application, comporting with the provisions of the memorial to be entitled an act to provide for the support of paupers; which was read a first time, and ordered to be read a second time.

Ordered that the House concur in the amendments made by the Senate to bill entitled an act, to incorporate the Tuscaloosa Library Company—by inserting the word "and," before the word "Thomas," in the fourth line of first section, by striking out in the fifth line of the same section, the word "societies" and inserting in lieu thereof the words "successors in office" and adding in the 6th line of the same section, the words "directors of the" before the word "Tuscaloosa." By inserting in the fourth line of the second section after the word "elected" the words "by the stock holders in said Library." By striking out in the same section in the fifth line, the words "the rules and regulations and." By inserting in the fourth line of the third section before the word "life" the word "the" and after the word "life," insert the words "of others." By inserting in the seventh line of the same section for the word "incorporation," the words "provided an election of successors the above named Directors shall take place within six months from the passage of this act, on Thursday thereafter, and by adding thereto an additional section, ordered that the clerk acquaint the Senate therewith.

Mr. Detlapa, obtained leave to introduce a bill to be entitled an act, authorizing parties litigant to take the depositions of witnesses residing within six miles in criminal cases, which was read a first time, and ordered to be read a second time.

Mr. Perry, from the committee of conference appointed on the part of House of Representatives to confer with the committee on the part of the Senate, on the disagreement between the two Houses, on a bill to be entitled an act, to alter the mode of appointing assessors and tax collectors and for other purposes, reported that they had concurred, and that the committee on the part of the Senate, have determined to recommend to the Senate to adhere to their amendment to said bill, and that the committee had instructed him to command to this House, to recede from their disagreement to the amendment made to said bill by the Senate, and that this House concur in said amendment.

Ordered, that this House do recede from their disagreement to amendment made by the Senate to said bill. Ordered, that the clerk acquaint the Senate therewith.

Mr. Ross, from the committee on accounts, to whom was referred the account of William Holbrooks, jailor of the county of Autauga, claiming compensation for furnishing provisions, necessities, &c. sundry persons committed to his charge, upon offences against state, reported, that the said account, if correct, was chargeable to the state treasury, but that items such as the items are not properly set forth, and as the account seems to be involved in ambiguity, the

ought not to be allowed; and asked leave to be discharged from the further consideration thereof; which was granted.

Mr. Roberts obtained leave to introduce a bill to be entitled an act requiring the Governor of the state of Alabama to reside permanently at the seat of government; which was read a first time, and the question being put, shall this bill be read a second time? it was determined in the negative.

Mr. Johnson obtained leave to introduce a bill to be entitled an act to repeal in part so much of an act passed on the 31st Dec. 1822, as are herein contained; which was read a first time, and ordered to be read a second time.

Mr. Perkins obtained leave to introduce a bill to be entitled an act to alter the times of holding the county courts of the county of Tuscaloosa; which was read a first time, and ordered to be read a second time.

On motion of Mr. Acklen, it was *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law more effectually to prevent the importation of negroes into this state for the purposes of sale or hire, and report by bill or otherwise.

A bill to be entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, was taken up, and read a second time. Mr. Bridges moved to amend the fifth section by striking out the words 'at the first muster,' and inserting the words 'fifteen days after the term of the county court at which overseers of public roads are required to be appointed;' which amendment was adopted. Mr. Bridges then moved further to amend the bill by inserting in the first section, before the word 'roads,' the word 'county,' which was adopted. *Ordered*, that the bill lie on the table till 3 o'clock.

Mr. Williams obtained leave to introduce a bill to be entitled an act to require the sheriff of Tuscaloosa county to sell property levied on by execution, in the town of Tuscaloosa; which was read a first time, and ordered to be read a second time.

Engrossed bill to be entitled an act for the improving the road leading from Blakely to the upper line of Baldwin county, by the way of Durant's, was referred to a select committee, consisting of messrs. Roberts, Montgomery and Harris.

Mr. Moore of Jack. on the behalf of the committee appointed on the part of this House, to act with the committee appointed by the Senate, and jointly to select a site for the location of the capitol of this state, asked leave of absence from this house, so as to proceed to the discharge of the duties assigned them, which was granted.

Mr. Massey, from the select committee to whom was referred a resolution requiring them to inquire into the expediency of establishing a tobacco inspection in this state, reported a bill to be entitled an act for regulating the inspection of tobacco; which was read a first time, and ordered to be read a second time.

Mr. Perry, from the select committee to whom was referred the petition of sundry inhabitants of Wilcox county, praying the passage of a law to attach a part of Wilcox county to Butler county, reported,

that the law contemplated by the petition could not be passed, as it would reduce Wilcox county below its constitutional limits; which report was concurred in.

Engrossed bill from the Senate, to be entitled an act to incorporate the Cahawba navigation company, was read a second time, and referred to a select committee, consisting of messrs. Weissenger, Walthall, Lawler, Jones, Pickens and Crenshaw.

Engrossed resolution from the Senate, instructing our Senators and Representatives in Congress on the subject of exchanging certain lands reserved for the use of schools in this state, was taken up.—*Ordered*, that the House concur in the amendments reported by the select committee, by adding in the first section of the resolution, after the word 'sold,' the words, 'or which has not yet been offered for sale,' and by striking out the balance of said section—And said resolution was laid on the table.

The bill to be entitled an act to authorize Edward Sims and his associates to open a turnpike road therein named, was taken up, and referred to a select committee, consisting of messrs. Ellis, Perkins, Whitfield, Dupuy, Martin and Brown.

The bill to be entitled an act authorizing judges of the county courts to exercise additional jurisdiction in certain cases, was referred to the judiciary committee.

The resolutions instructing our Senators and requesting our Representatives in the Congress of the United States to endeavor to procure the passage of a law establishing a land office at Bellefonte, in Jackson county, was laid on the table.

The bill to be entitled an act to authorize James M'David to emancipate certain slaves therein named, was read a second time, and ordered to be engrossed for a third reading.

The bill to be entitled an act to compel certain persons to work on the state road leading from Greensborough to Claiborne, was read a second time. Mr. Weissenger moved that the further consideration of said bill be indefinitely postponed, which was lost—yeas 26, nays 35.

The yeas and nays being desired—those who voted in the affirmative are

<i>Mr. Speaker</i>	<i>Coleman</i>	<i>Jones</i>	<i>Mad</i>	<i>Powell</i>
<i>Ambrister</i>	<i>Davis of Fr.</i>	<i>Lawler</i>	<i>Neill</i>	<i>Smith of mad.</i>
<i>Benson</i>	<i>Dupuy</i>	<i>Lewis</i>	<i>Pickens</i>	<i>Terry</i>
<i>Broadnax</i>	<i>Edmondson</i>	<i>M'Vay of Lau</i>	<i>Parham</i>	<i>Weissenger</i>
<i>Craig</i>	<i>Coe</i>	<i>Harris</i>	<i>M'Vay of Law</i>	<i>Perry</i>
				<i>Walthall—26</i>

Those who voted in the negative are

<i>Mr. Acklen</i>	<i>Barclay</i>	<i>Duke</i>	<i>McClung</i>	<i>Rhodes</i>
<i>Bridges</i>	<i>Crenshaw</i>	<i>Ellis</i>	<i>Moore of mad</i>	<i>Rancy</i>
<i>Bailey</i>	<i>Coopwood</i>	<i>Evum</i>	<i>Moore of Jac.</i>	<i>Smith of Hen.</i>
<i>Brown</i>	<i>Davis of Ja.</i>	<i>Flucker</i>	<i>Martin</i>	<i>Smith of La.</i>
<i>Bell</i>	<i>Dale</i>	<i>Greening</i>	<i>Massey</i>	<i>Sims</i>
<i>Bradford</i>	<i>Dennis</i>	<i>Heard</i>	<i>Perkins</i>	<i>Williams</i>
<i>Brasher</i>	<i>Dubose</i>	<i>Johnson</i>	<i>Ross</i>	<i>Whitfield—35</i>

*Ordered*, that said bill be engrossed for a third reading.

The bill to be entitled an act to incorporate the Alabama and Tennessee canal company, was taken up and read a second time. Mr.

Ross moved to amend the bill by inserting after the word 'be,' in the third line of the sixth section, the words 'commenced and unceasingly prosecuted within four years and;' which amendment was adopted. Mr. Smith of Laud. then moved to amend the bill by striking out of the seventh section, before the word 'years,' the word 'five,' and inserting in lieu thereof the word 'ten,' which was adopted. And the bill was then ordered to be engrossed and read a third time.

Mr. Davis of Fr. presented the account of James Rather, for cleaning arms, &c. and said account was referred to the committee on accounts.

Mr. Ross presented the account of John Elliott, Esq. for professional services rendered the state. *Ordered*, that said account be referred to the judiciary committee to consider and report thereon.

The bills to be entitled an act to amend in part an act for the relief of Wm. M'Daniel, passed the 3d of Jan. 1825; an act to incorporate the Pikeville library company; an act to authorize the raising by lottery a sum of money for purposes therein specified; and, an act to put part of Byler's road under the jurisdiction of the county court of Tuscaloosa, were severally read a second time, and ordered to be engrossed for a third reading.

The bill to be entitled an act to extend the civil and criminal jurisdiction of this state over so much of the Creek nation as was ceded under the treaty of the Indian Springs in 1825, within the chartered limits of the state of Alabama, was read a second time. Mr. Lewis moved to amend the bill by adding thereto an additional section; which was adopted. The bill was then ordered to be engrossed for a third reading.

Mr. Williams presented the memorial of sundry citizens of Tuscaloosa, in regard to the seat of justice in said county. *Ordered*, that said memorial be referred to a select committee, consisting of Messrs. Williams, Ellis, Perkins, Whitfield, Raney, Heard and Lewis, to consider and report thereon.

And then the House adjourned to half past two o'clock.

*Evening session.* The House met pursuant to adjournment.

Mr. Coopwood offered the following resolution: *Resolved*, That this House will receive no new business after Monday next, except reports from standing or select committees, unless obvious necessity may seem to require it, and that, with the concurrence of the Senate, will adjourn sine die on Thursday next, if the business is not sooner disposed of. *Ordered*, that said resolution lie on the table.

The bill to be entitled an act to raise a revenue for the support of government until otherwise altered by law, was referred to a committee of the whole house, and made the order of the day for to-morrow.

The bill to be entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, was read the second time. Mr. Moore of Mad. moved to amend the 4th section of the bill by adding at the end thereof the following proviso, to wit: "Provided, that when the apportioners shall deem it unnecessary to alter the lands apportioned to work on any public road under their jurisdic-



tion, then and in that case the last apportionment of hands made and returned shall be obligatory, and remain in full force and effect, until altered; and all hands subject to work on the road to which the same has been apportioned heretofore, and still living within said bounds, and all persons moving within the bounds of the hands apportioned as aforesaid, liable to work on any such road, shall be considered as belonging to said road, and liable in the same manner as though they had been apportioned to work on said road, and for neglect shall be proceeded against in the same manner as other defaulters of public roads, any law or usage to the contrary notwithstanding;" which amendment was adopted. Mr. Moore then moved further to amend the said bill by inserting in the fifth section, after the word 'person,' the words, 'on application of any one of said apportioners;' which was carried. The bill was then referred to a select committee, consisting of Messrs. Lawler, Edmondson, Exum, McVay of Laud. Craig and Moore of Mad. to consider and report thereon.

The bills to be entitled an act to incorporate the town of Pikeville; an act to make compensation to the commissioners to close the unsettled accounts between this state and Mississippi; an act reducing the price of the Digest of the laws of Alabama; an act to compensate Reuben Chapman for certain services therein mentioned; and, an act to define the boundary line between Shelby and Autauga counties, were severally read a second time, and ordered to be engrossed for a third reading.

The engrossed bill from the Senate, to be entitled an act authorizing an extension of the lease taken by Seth Hunt of the salt springs in the counties of Clarke and Monroe, was read a second time, and ordered to be read a third time.

The bill to be entitled an act amendatory to an act passed on the 14th January, 1826, entitled an act to authorize Wm. H. Ragsdale and his associates to improve a road therein specified, was referred to a select committee, consisting of Messrs. Parham, Duke and Brasher, to consider and report thereon.

The bill to be entitled an act to increase the capital stock of the Bank of the State of Alabama, was ordered to be referred to the committee on schools, colleges and universities, and school and university lands, to consider and report thereon.

The engrossed bill from the Senate, to be entitled an act more effectually to provide for the due execution of certain laws—Mr. Johnson moved to strike out of the second section of the bill the words 'patrol and' after the word 'concerning,' which was carried. The question being then put, shall this bill be read a third time? it was determined in the negative.

The bill to be entitled an act to repeal all that part of the charter of the Bank of the State of Alabama that relates to secrecy, was referred to the committee on the state bank, to consider and report thereon.

Mr. Fluker, from the select committee to whom was referred so much of the Governor's message as relates to the salt springs, report-

d, that the committee had had the subject under consideration, and were of opinion that it was unnecessary to legislate on that subject at this time. *Ordered*, that said report lie on the table.

The resolution for the relief of Daniel Coleman, tax collector of Washington county for 1823, was referred to a select committee, consisting of messrs. Harris, Weissenger and Dubose, to consider and report thereon.

The bill to be entitled an act more effectually to guard and secure the right of trial by jury, was referred to the judiciary committee to consider and report thereon.

The bill to be entitled an act to authorize the sale of spiritous liquors in any quantity not less than one quart, being under consideration—Mr. Mead moved that the further consideration thereof be indefinitely postponed, which was carried—Yeas 30, nays 25.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Crenshaw	Greening	Martin	Roberts
Acklen	Coopwood	Harris	Neill	Smith of Hen.
Benson	Davis of Fr.	Lawler	Pickens	Smith of med.
Brown	Dupuy	m'Clung	Ross	Sims
Cell	Dubose	moore of mad.	Rhodes	Weissenger
Bradford	Edmondson	mead	Raney	Whitfield—30

Those who voted in the negative are

Mr. Bridges	Coleman	Ellis	Jones	Parham
Broadnax	Davis of Jack.	Exum	m'Vay of Law	Perry
Brasher	Dale	Fleker	m'Vay of Lau.	Powell
Barclay	Dennis	Heard	massey	Williams
Craig	Duke	Johnson	Perkins	Whitfield—25

The engrossed resolutions from the Senate, appointing commissioners to report on the claims of the first purchasers of lots in Cahawba, in 1819, to the next General Assembly, and for other purposes, were read a second time. Mr. Johnson moved to amend the first resolution by inserting after the name George Phillips, 'or a majority of them,' which was carried. Mr. Coopwood then moved to amend the said first resolution, by adding, at the end thereof, the following proviso, viz: 'provided, said commissioners shall receive no pay for said services out of the treasury of this state;' which was adopted. Mr. Craig then moved that the further consideration of said resolutions be indefinitely postponed, which was lost—Yeas 13, nays 43.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Bradford	Dupuy	m'Vay of Lau.	Smith of m.—13
Ambrister	Craig	Ellis	m'Vay of Law.	
Bell	Davis of Jack.	m'Clung	Parham	

Those who voted in the negative are

Mr. Acklen	Coopwood	Greening	massey	Roberts
Benson	Coleman	Heard	Neill	Smith of Hen.
Bridges	Davis of Fr.	Harris	Perkins	Smith of Lau.
Brown	Dale	Dennis	Johnson	Pickens
Broadnax	Dubose	Jones	Terry	Sims
Brasher	Duke	Lawler	Powell	Whitfield
Barclay	Edmondson	moore of mad.	Ross	Whitfield
Crenshaw	Exum	Fleker	mead	Rhodes
				Weissenger—43

The resolutions were then ordered to be read a third time.

The engrossed bills to be entitled an act supplementary to an act for the government of the port and harbor of Mobile; and, an act to regulate the fees of certain public officers in Baldwin county, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

The bill to be entitled an act to repeal an act, entitled an act to fix the time of commencing the General Assembly of the state of Alabama, passed Dec. 6th, 1821, was read a second time. Mr. M'Vay of Laud. then moved that the further consideration of said bill be indefinitely postponed, which was lost. Mr. Coopwood then moved to strike out, in the first section of the bill, the words 'fourth Monday in October,' and to insert in lieu thereof the words 'first Monday in November.' A division of the question being desired, the question was first taken on striking out said words, and decided in the affirmative. The question was then taken on inserting the words as moved for and decided likewise in the affirmative. The question was then put, shall this bill be engrossed for a third reading? and was determined in the affirmative—Yeas 40, nays 20.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Brasher	Dubose	mead	Roberts
Ambrister	Crenshaw	Duke	massey	Smith of Hen.
Bridges	Craig	Edmondson	Neill	Smith of La.
Bailey	Coopwood	Exum	Perry	Smith of mad.
Brown	Davis of Fr.	Heard	Powell	Sims
Broadnax	Dale	Jones	Ross	Terry
Bell	Dennis	moore of mad	Rhodes	Weissenger
Bradford	Dupuy	m'Vay of Law.	Raney	Whitfield—40

Those who voted in the negative are

Mr. Speaker	Davis of Ja.	Harris	moore of Ja.	Pickens
Benson	Ellis	Johnson	m'Vay of Laud	Parham
Barclay	Fluker	Lawler	martin	Williams
Coleman	Greening	m'Clung	Perkins	Walthall—20

The bill to be entitled an act to provide for the more speedy publication of certain acts of the General Assembly of this state, was read a second time. Mr. Barclay moved that the further consideration of said bill be indefinitely postponed, which was carried.

And then the House adjourned till 10 o'clock to-morrow morning.

*Friday, December 29th, 1826.*

The House met pursuant to adjournment.

On motion of Mr. Ross, leave of absence was given to Mr. Montgomery, a member from Mobile county, during the remainder of this session.

Mr. McClung offered the following resolution: "Resolved, that the principal clerk of this House be authorized to employ an additional assistant for the balance of the session;" which was carried.

Mr. McClung presented the petition of Clement Billingslea, Wheeler Randall, and Thomas O. Meux, concerning the proof of physician's accounts, which was read and referred to the judiciary committee to consider and report thereon.

Mr. McClung, from the judiciary committee, to whom was referred the

petition of James P. Bates, sheriff of Mobile county, praying compensation for extra services: Reported, that they had considered of the same, & were of opinion that the relief prayed for ought not to be granted.

Mr. McClung, from the judiciary committee, to whom was referred resolutions of the states of Maine and Indiana, disapproving the resolutions of the state of Tennessee, proposing certain amendments to the constitution of the United States, reported, that they had considered of the same, & considered that inasmuch as resolutions concurring in said amendments proposed by the state of Tennessee are now progressing in this House, it is in their opinion unnecessary to institute any new resolution founded on those of Maine, and Indiana.

Mr. McClung, from the judiciary committee, to whom was referred the bill to be entitled an act amendatory of the laws now in force on the subject of bail, in civil cases: Reported the same without amendment. Mr. Terry moved to amend the bill by adding at the end thereof a proviso, in the following words, "Provided, that the said plaintiff so applying, shall pay the expenses of issuing said writ of *capias ad respondendum* & the execution thereof." Mr. Moore, of Jack. then moved that the further consideration thereof be indefinitely postponed which was lost. Mr. McClung then moved to amend the amendment, offered by Mr. Terry by adding at the end of said amendment the words "unless the plaintiff making application for a new writ requiring bail, make affidavit that the defendant is about absconding from the Country;" which amendment was adopted. The amendment of Mr. Terry as amended was then adopted. The bill was then read a second time and ordered to be engrossed for a third reading on to morrow.

Mr. McClung, from the judiciary committee, to whom was referred the resolution requiring them to enquire into the expediency of so amending the law now in force, respecting bonds of indemnity, to provide in case a judgment be obtained against the sheriff or other officer, selling under said bond that by motion at said court the sheriff or other officer obtain a judgment against the maker of said bond, reported a bill to be entitled an act more effectually to protect sheriffs and coroners in the discharge of their duties; which bill was read a first time, and ordered to be read a second time to-morrow.

Mr. McClung, from the judiciary committee, to whom was referred a bill to be entitled an act altering the punishment of forgery and counterfeiting, reported the same without amendment. Mr. Moore of Mad. then moved to strike out the words "face or" after the words "branded in the" in the first section of the bill, which was carried, and the bill was then laid on the table.

Mr. McClung, from the judiciary committee, to whom was referred the engrossed joint resolutions from the Senate requiring the banks of Mobile and Tombeckbee to report their situation to the General Assembly, and who were required to enquire into the constitutionality of said resolutions, reported that they have had the subject under consideration, and are of opinion, that as an abstract question, the General Assembly has no right to require of the banks of Mobile and Tombeckbee an expose of their affairs: charters of incorporation have been justly assimilated to contracts, by which the state binds itself and pledges the public faith, that the privileges granted shall be enjoyed without any infringement or diminution. On examining the charters of the Mobile and Tombeckbee banks, there appears to be no restriction on the part of the state, of a right to examine the books, or interfere in any manner with the management or internal arrangements of those institutions. It is true that the charters of said banks, restrict them in their emissions so far as to

prevent a greater amount of issues than three times the amount of the capital stock actually paid in. But there is no provision by which they shall be compelled to furnish evidence against themselves, if their powers should be exceeded, and if it is believed that such has been the fact, your committee know of no means by which it can be ascertained, short of resorting to the judicial tribunals of the country. Such are concisely the views of your committee on the abstract right of compelling the banks of Mobile and Tombeckbe to report to the General Assembly as contemplated by the joint resolutions under consideration, we have however, it is conceived the right to say, that unless such an exhibit is made, we will refuse to receive their notes into the treasury of this state. It is a *right* which any individual would have. But it is respectfully suggested, that unless well grounded fears are entertained, that these institutions have exceeded their powers, and mismanaged their concerns it would be impolitic, and would operate oppressively on the community, to refuse their notes in payment of taxes, such are the pecuniary embarrassments of the people, such the weight of taxes by which they are borne down, that instead of cautiously refusing notes which are promptly redeemed with specie, we should offer to our debtors, the people, every facility in our power. It is believed that the notes of these two institutions, constitute at least one half of the circulating medium of the state, and if we reject them from our treasury, their holders residing at a distance from the banks will be compelled to submit to the exorbitant exactions of brokers, and to pay a considerable premium for notes which are intrinsically no better. It would, it is respectfully suggested, be strangely inconsistent in the General Assembly to receive in payment as is now the case, the notes of banks located in other states, whose distance from us forbids an intimate knowledge of their affairs, and of their claims to confidence, and yet refuse those of our own state institutions, when no loss from them can reasonably be expected: Ordered that said resolutions and report lie on the table.

Mr. McClung, from the judiciary committee, to whom was referred a bill concerning vagrants, reported the same without amendment. Mr. Davis moved that the further consideration thereof be indefinitely postponed, which was carried.

Mr. Perry from the committee appointed on the part of this House to act jointly with the committee appointed by the Senate for the purpose, reported that the said joint committee have examined and destroyed the treasury notes issued pursuant to law which have been redeemed and taken in by the treasurer of the state to the amount of eight thousand two hundred and eighty dollars, twelve and a half cents.

Mr. Weissinger, from the select committee to whom was referred an engrossed bill from the Senate to be entitled, "an act to incorporate the Cahawba navigation company," reported that the committee recommend that after the word barrel, in section 10 to strike out 25 and insert 18 3-4; after the word 'cotton' strike out 12 1-2 and insert 10. In section 11 after the word cotton, strike out 18 2-4 & insert 20: after the word barrel strike out the word fifty & insert 37 1-2. In section 12 after the word cotton, 'strike out 25' & insert 30, after the word barrel strike out 75 & insert 56 1-4. Ordered that the House concur in said report, & that said amendments be adopted: said bill was then read a third time and passed, ordered that the clerk acquaint the Senate therewith.

Mr. Ellis, from the select committee, to whom was referred a bill to be entitled an act to authorize Edward Sims and his associates, to open a turpike road therein named, : reported, the same with the following amendments viz: in the 6th line of the first section to strike out "Moses Collins" and insert in



lieu thereof the name of "Edward Davis." In the 4th line of the second section to strike out "Tuscaloosa" and insert "Jefferson" county. In the 2d line of the fourth section to strike out "Tuscaloosa" and insert "Jefferson" and in the fifteenth line strike out "ten" and insert "fifteen," also by adding a fifth section to the bill. Ordered that the House concur in said several amendments, and thereupon the bill was read a second time, and ordered to be engrossed for a third reading to-morrow.

A message from the Senate by Mr. Lyon their secretary.

*Mr. Speaker*—the Senate concur in the several amendments made by your Hon. body to the bill entitled an act providing for the erection of a State Capitol; they have read three times and passed bills which originated in their House entitled an act to provide for the translation and preservation of the Spanish Records within this state; an act more effectually to prevent breaches of the peace; and an act making it the duty of the Comptroller of Public Accounts, to lay before both houses of the General Assembly annually in the 1st week of its session a full expose of the disbursements made from the contingent fund; they have also passed a bill which originated in your House entitled an act supplementary to an act to establish a State University.

*Mr. Roberts* from the select committee to whom was referred the engrossed bill to be entitled an act to provide for the improvement of the ridge road from Blakeley to the upper line of Baldwin county by way of Durants, reported the same without amendment.

*Mr. Ross* moved to amend the bill by adding after the word "sixteen," the words, "to be paid by the person or persons in whose service said slaves may be engaged at the time of such assessment;" which motion was lost.—The bill was then read a third time and passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

*Mr. McClung*, from the judiciary committee, to whom was referred a bill to entitled an act to reduce into one the several acts giving fees to Justices of the Peace and Constables, and who were required to examine and collect the same, with the fees now allowed by law; reported, that the committee find the bill to be a correct compilation of the fees as they now exist, except in the following items, to wit: The item "for warrant for apprehending one charged with an offence against the State," is reduced in said bill from 37 1-2 cents to 25, the item for warrant in "quidam cases and proceedings thereon to judgment," is reduced by said bill from 37 1-2 to 25 cents; and the item "for warrant in civil cases and proceedings thereon to judgment," is reduced from 37 1-2 to 25 cents; the committee have therefore amended the bill by substituting 37 1-2 cents for 25 cents in the items above designated. Ordered, that the House concur in the amendments made by the judiciary committee; the bill was then read a second time as amended, and *Mr. Mead* moved to strike out of the first section the words "and Constables" after the word "Peace," which was carried: the bill was then ordered to be engrossed for a third reading to-morrow.

*Mr. McClung* from the select committee to whom was referred a petition of certain persons, praying the incorporation of the town of Bluntsville in Blunt county, also a counter petition of sundry citizens of said county, remonstrating against the passage of such an act; reported, that in as much as there appears to be a considerable majority opposed to any Legislation on the subject, it is unreasonable to grant the charter prayed for; and asked leave to be discharged from the further consideration of said petition. Ordered, that said report be concurred in.

*Mr. McClung*, from the select committee to whom was referred the petition

of John Snoddy, for the manumission of a certain slave; reported a bill to be entitled an act, to authorize John Snoddy to emancipate a certain negro slave, which bill was read a first time & ordered to be read a second time to-morrow.

Mr. Massey, from the select committee to whom was referred the petition of Garland Hardwick and Mary Hardwick; reported a bill to be entitled an act, to authorize the Administrator and Administratrix of George Hardwick, to sell a certificate for one quarter section of land; which bill was read a first time, and ordered to be read a second time to-morrow.

Mr. Harris from the select committee, to whom was referred a resolution for the relief of Daniel Coleman; reported in lieu of, and as a substitute for said resolution, a bill to be entitled an act for the relief of Daniel Coleman, which was read a first time. Mr. Weissenger then moved that the further consideration of said bill be indefinitely postponed, which was carried—Yea 31, Nays 30.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Bradford	Dennis	M'Vay of Land	Smith of Hen.
Acklen	Brasher	Dupuy	Martin	Smith of La.
Ambrister	Coopwood	Johnson	Massey	Smith of mad.
Benson	Coleman	Jones	Pickens	Terry
Bridges	Davis of Fr.	Lewis	Perry	Weissenger
Brown	Bell	Davis of Jack.	moore of mad.	Rhodes
				Walthall—31

Those who voted in the negative are

Mr. Bailey	Dubose	Fluker	M'Vay of Law	Ross
Broadnax	Duke	Greening	Mead	Raney
Barclay	Edmondson	Harris	Neill	Roberts
Craig	Ellis	Lawler	Perkins	Sims
Coe	Edwards	M'Clung	Parham	Williams
Dale	Exum	moore of Jack.	Powell	Whitfield—30

Mr. Ellis from the select committee, to whom was referred the petition of Thomas Maxwell; reported a bill to be entitled an act, to legitimate Thomas Maxwell junior, which bill was read a first time, and ordered to be read a second time to-morrow.

Mr. Brasher, obtained leave to introduce a bill to be entitled an act, to revive a certain act therein named; which bill was read a first time, and ordered to be read a second time on to-morrow.

The engrossed bill to be entitled an act, to amend an act to establish the Bank of the State of Alabama, approved December 10th 1823, being on its third reading; Mr. Speaker moved to fill the first blank in the bill, relating to the salary of the President of the Bank with "twelve hundred and fifty dollars." which was lost.—Yea 13, Nays 50.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Bridges	Dale	Heard	Harris	Pickens	Perry
Benson	Davis of Jack.	Edwards	Johnson	Neill	Smith of H.	—19

Those who voted in the negative are

Mr. Acklen	Coe	Exum	M'Vay of Land	Raney
Ambrister	Coopwood	Fluker	M'Vay of Law	Roberts
Bailey	Coleman	Greening	Mead	Smith of Land
Brown	Davis of Fr.	Jones	Martin	Smith of mad.
Bradford	Dennis	Lawler	Massey	Sims
Bell	Dupuy	Lewis	Perkins	Terry
Broadnax	Dubose	M'Clung	Parham	Williams
Brasher	Duke	Montgomery	Powell	Weissenger
Barclay	Edmondson	Moore of Mad.	Ross	Walthall
Craig	Ellis	Moore of Jac.	Rhodes	Whitfield—50

Mr. Acklen then moved to fill the same blank with the sum of "one thousand dollars," which was lost.—Yeas 25, Nays 38.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Davis of Frank	Fluker	montgomery	Raney
Acklen	Davis of Jack.	Heard	Neill	Roberts
Bridges	Dale	Harris	Pickens	Smith of Hen.
Brazier	Dennis	Johnson	Parham,	Weissinger
Barclay	Edwards	Lawler	Perry	Whitfield.—25

Those who voted in the negative are

Mr. Ambrister	Coopwood	Greening	mead	Smith of Laud.
Benson	Coleman	Jones	Lewis	martin
Bailey	Dupuy	McClung	Massey	Sims
Brown	Dubose	Duke	moore of mad.	Perkins
Broadnax	Edmondson	Moore of Jack.	Powell	Williams
Bell	Bradford	Ellis	McVay of Land	Ross
Craig	Coe	Exum	McVay of Law	Rhodes
				Walthall.—38

Mr. Lewis, then moved to fill said blank with eight hundred "dollars," which was carried.—And then the House adjourned till half past 2 o'clock.

#### *Evening Session.*

The House met pursuant to adjournment, at half past 2 o'clock.

The engrossed bill to be entitled an act, to amend an act to establish the Bank of the State of Alabama, approved December 20th, 1823, being still under consideration; Mr. Coopwood moved to amend the same by adding thereto an additional section; by way of engrossed rider, which was lost; Mr. Ross then moved to fill the second blank in the bill relating to the cashiers salary, with "fifteen hundred dollars," which was carried.—Yeas 34, Nays, 25.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker	Davis of Fr.	Heard	moore of mad.	Raney
Acklen	Dale	Harris	moore of Jack.	Smith of Hen.
Benson	Edmondson	Johnson	Neill	Smith of Laud.
Bailey	Edwards	Lawler	Perkins	Weissinger
Brasher	Exum	Lewis	Perry	Wathall
Barclay	Fluker	McClung	Ross	Whitfield.—34
Craig	Greening	Montgomery	Rhodes	

Those who voted in the negative are,

Mr. Ambrister	Coe	Dupuy	m'Vay of Land	Powell
Bridges	Coopwood	Dubose	m'Vay of Law.	Smith of mad.
Brown	Coleman	Duke	Mead	Sims
Broadnax	Davis of Jack.	Ellis	martin	Terry
Bradford	Dennis	Jones	Massey	Williams —25

Mr. Smith of Laud then moved to amend the bill by way of an engrossed rider, by inserting after the words 'eight hundred dollars,' in the third section of the bill, the words "and the said salary shall be paid out of the bank dividends;" which was carried; Mr. McClung then moved further to amend the bill by adding at the end of the third section by way of engrossed rider, the following proviso, "Provided that no perquisites either for House rent, or any thing else shall be allowed, to the Cashier, Clerk or Teller, by the Directors," which was adopted

Mr. Mead, then moved to fill the third blank in the bill which relates to the salary of the Teller, with "one thousand dollars," which was carried; the bill was then read a third time as amended, and passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr Perry obtained leave to introduce a bill to be entitled an act, to authorize William McDaniel and his associates to construct a turnpike road in named, which was read a first time, and ordered to be read a second time to-morrow.

Mr. Duke obtained leave to introduce a bill to be entitled an act, to authorize Joseph Burlison and his associates, to turnpike certain roads therein named, which was read a first time, and ordered to be read a second time to-morrow.

On motion of Mr. McClung, the engrossed bill to be entitled an act, to authorize John Hamblin from Hannah Hamblin was taken up, read a third time and passed—a constitutional majority having voted in favour thereof.—Ye 40, Nays 13.

Those who voted in the affirmative are,

mr. Speaker	Barelay	Ellis	m'Vay of Law.	Rhodes
Acklen	Craig	Edwards	mead	Raney
Ambrister	Coe	Exum	martin	Roberts
Bailey	Dale	Heard	massey	Smith of Hen.
Broadnax	Dupuy	Harris	Perkins	Smith of Mad.
Bell	Dubose	Lewis	Parham	Williams
Bradford	Duke	m'Clung	Powell	Walthall
Brasher	Edmondson	moore of mad.	Ross	Whitfield-40

Those who voted in the negative are

mr. Bridges	Dennis	Jones	Pickens	Smith of Lau.
Coopwood	Fluker	m'Vay of Laud	Perry	Sims.—13
Davis of Ja.	Greening	Neill		

Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

The Bill to be entitled an act, to alter the times of holding the County Courts for the county of Tuscaloosa, was read a second time, and the rule requiring bills to be read on three several days being suspended, four fifths of the members present voting in the affirmative, and the bill being taken as if engrossed, it was read a third time forthwith and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. Dubose. obtained leave to introduce a bill to be entitled an act, to alter and extend the limits of Clarke county, and for other purposes, which was read a first time, and ordered to be read a second time to-morrow.

On motion of Mr. Walthall, a bill to be entitled an act, to establish an election precinct in Autauga county; was taken up and read a second time; said bill was then amended by the addition of numerous additional sections, and ordered to be engrossed for a third reading on to-morrow. Ordered that the title of said bill be changed to that of an act to establish certain election precincts.

And then the House adjourned to to-morrow at nine o'clock

*Saturday, December 30, 1826.*

The House met pursuant to adjournment.

Mr. Perkins from the Committee on Propositions and Grievances to whom was referred a bill to be entitled an act, for the relief of Wm. B. Allen; reported the same without amendment, and recommended an approbation of its provisions; the bill was then read a second time, and Mr. McVay of Laud. moved that the bill lie on the table till the first day of March next, which was carried.—Yeas 30, Nays 29.

The yeas and nays being desired—those who voted in the affirmative are

Ambrister	Coopwood	Exum	m'Vay of Law	Roberts
ey	Coleman	Fluker	mead	Smith of Lau.
vn	Davis of Jack.	Lewis	massey	Smith of mad.
	Dupuy	m'Clung	Powell	Sims
her	Duke	moore of mad.	Rhodes	Terry
g	Edmondson	m'Vay of Laud	Raney	Whitfield—30
those who voted in the negative are				
Speaker	Coe	Harris	martin	Ross
len	Davis of Fr.	Johnson	Neill	Smith of Hen.
ion	Dennis	Jones	Perkins	Williams
ldges	Dubose	Lawler	Pickens	Weissenger
padnax	Ellis	montgomery	Parham	Walthall—29
rcley	Edwards	moore of Jack	Perry	

Mr. Moore of Jack. from the committee on enrolled bills; reported as correctly enrolled, an act which originated in the Senate entitled an act, authorizing titles to the Lands and Town lots given to the State by the citizens of Escaloosa, to be made to the Governor for the use and benefit of this State.

Mr. Perkins from the committee on Propositions and Grievances to whom is referred the memorial of P. B. Grantland and A. M. Robinson; reported bill to be entitled an act, for the relief of Grantland and Robinson, which was read a first time, and ordered to be read a second time on monday.

Mr. Flaker, from the committee on inland navigation, to whom is referred so much of the Governor's message as relates to internal improvement, reported a bill to be entitled an act to provide for the improvement of the navigation of certain rivers therein named; which was read a first time, and on motion of Mr. Lewis was laid on the table.

Mr. Ross, from the committee on accounts, to whom was referred the accounts of sundry persons against the state, reported a bill to be entitled an act making appropriations for certain claims against the state; which was read a first time, and, on motion of Mr. Ross, the bill requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, the said bill was read a second time forthwith, and on motion of Mr. Bridges was laid on the table.

Mr. Fluker presented the account of Thomas Jones, of Marengo county, for prosecuting two persons for horse stealing; which was read, and referred to the committee on accounts. Mr. Williams presented the account of Overton Harris, for prosecuting a person for stealing a mule; which was referred to the committee on accounts.

Mr. Roberts being one of those who voted in the majority on the vote taken this morning on the indefinite postponement of the bill entitled an act for the relief of Wm. B. Allen, moved that the House do reconsider said vote, which was carried—Yeas 34, nays 27.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker	Davis of Fr.	Heard	martin	Roberts
Acklen	Dennis	Harris	Neill	Smith of Hen.
Benson	Dubose	Johnson	Pickens	Williams
Bridges	Ellis	Jones	Parham	Weissenger
Broadnax	Edwards	Lawler	Perry	Walthall
Burclay	Flaker	montgomery	Ross	Whitfield—34
Coopwood	Greening	moore of Jack.	Raney	



Those who voted in the negative are

mr. Ambrister	Craig	Edmondson	m'Vay of Law.	Rhodes
Bailey	Coleman	Exum	Lewis	mead
Brown	Bell	Davis of Ja.	m'Clung	massey
Bradford	Dupuy	moore of mad.	Perkins	
Brasher	Duke	m'Vay of Laud	Powell	

Mr. M'Vay of Laud. then moved that the further consideration said bill be indefinitely postponed, which was carried--yeas 32, nays

The yeas and nays being desired, those who voted in the affirmative are

mr. Ambrister	Coopwood	Exum	m'Vay of Law.	Raney
Bailey	Coleman	Fluker	mead	Roberts
Brown	Bell	Davis of Jack.	Lewis	massey
Bradford	Dupuy	m'Clung	Perkins	Smith of La
Brasher	Duke	moore of mad.	Powell	Smith of ma
Craig	Edmondson	m'Vay of Laud.	Rhodes	Sims
				Terry-27
				Whitfield-

Those who voted in the negative are,

mr. Speaker	Coe	Greening	montgomery	Perry
Acklen	Davis of Fr.	Heard	moore of Jac.	Ross
Benson	Dennis	Harris	martin	Smith of H
Bridges	Dubose	Johnson	Neill	Williams
Broadnax	Ellis	Jones	Pickens	Weissenge
Barclay	Edwards	Lawler	Parham	Walthall-

Mr. Ross, from the committee on accounts, to whom was referred the petition of John Hayne, claiming compensation for provisions furnished the troops called into service in 1818, by order of Governor Bibb, reported, that they were of opinion that said accounts, if correct, are properly chargeable upon the government of the United States, and not upon the treasury of this state; and asked leave to be discharged from the further consideration thereof; which was granted. Ordered, that said report be concurred in by the House.

Mr. Ross, from the committee on accounts, to whom was referred the account of Wm. R. Martin, reported, that said account is not legally chargeable upon the state treasury; and asked leave to be discharged from the further consideration of said account; which was granted. Ordered, that the House do concur in the said report.

Mr. Coopwood then asked leave to withdraw said account; which was granted.

Mr. Davis of Fr. from the military committee, asked leave to inform the House, that said committee have, jointly with the military committee of the Senate, examined the state arsenal, and the arms thereof, in conformity to a resolution of the General Assembly, and had directed him to report, that they opened several of the boxes containing muskets, pistols and sabres: the muskets are in bad order, injured already by rust, and likely to be much more so; the cartouch boxes are in very bad order, and without more attention in oiling them, will in a short time be worth very little; the pistols and sabres are in tolerable good order. And also the military committee are clearly of opinion, that the quarter master general has failed to discharge his duty in making an annual report, as well as in his attention to the arms in the arsenal—therefore they would recommend to the

House a reduction of his salary. Said report was then laid on the table.

Mr. Davis of Fr. obtained leave to introduce a bill to be entitled an act concerning the salary of the quarter master general for the year 1826; which bill was read a first time, and ordered to be read a second time on Monday next.

Mr. Lewis having voted in the majority on the vote given yesterday on indefinitely postponing a bill to be entitled an act for the relief of Daniel Coleman, moved to reconsider said vote; which was carried—Yeas 31, nays 29.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Acklen, Benson, Bailey, Broadnax, Barclay, Craig, Coe, Coopwood, Dubose, Ellis, Edwards, Fluker, Heard, Harris, Lawler, Lewis, McClung, Moore of mod. Moore of Jack, McVay of Law, Neal, Perkins, Perry, Ross, Rancy, Roberts, Smith of La. Williams, Walthall, Whitfield &c.

Those who voted in the negative are, Mr. Ambuster, Bridges, Brown, Bell, Bradford, Brasher, Coleman, Davis of Fr. Davis of Jack, Dennis, Depuy, Duke, Edmundson, Lexam, Greening, Johnson, Jones, McVay of Land, Norton, Massey, Perkins, Parham, Powell, Rhodes, Smith of Hen. Smith of mod. Sims, Terry, and Weissinger—29.

The bill was then read a second time, and on motion of Mr. Harris, was recommitted to the same select committee which last reported it, consisting of Messrs. Harris, Weissinger and Dubose, further to report thereon.

Mr. Lawler, from the select committee to whom was referred the bill to be entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, reported the same, with the following amendments: Strike out the word 'appointed' in the fifth line of the first section, and insert 'established'; after the word 'court' in the eighth line of the same section, insert 'except such as have been discontinued.' In the proviso in the fourth section, strike out all the words after 'shall' to the word 'to,' and insert 'fail to apportion the hands.' In the sixth section, after the word 'toll,' insert 'judges of the county courts and justices of the peace.' In the fifth line of the eighth section strike out the word 'of,' and insert 'not exceeding.' In the tenth line of the tenth section, after the word 'aforesaid,' insert 'within sixty days after their appointment.' At the end of the twelfth section insert, 'provided, that nothing herein contained shall subject the party removing said road to damages, where the same is done to straighten said road through enclosures, or when the removal shall not render the said road more inconvenient to the public;' which amendments were adopted.

Mr. Lawler then moved to strike out the first paragraph in the 5th section of the bill, and to insert in lieu thereof the following: 'that the county courts and commissioners of roads and revenue shall have full power, and they are hereby required, at the time they appoint overseers of roads, to nominate three freeholders or householders in each captain's beat, (a majority of whom may act,) within their respective counties, who shall apportion the hands liable by law to work on public roads.' Mr. Davis of Fr. then moved to recommit the bill

to the committee on roads, bridges and ferries, which was lost. The amendment offered by Mr. Lawler was then adopted. The bill was then read a second time, and ordered to be engrossed and read a third time on Monday next.

Mr. Lewis offered the following resolution: *Resolved*, that the committee on ways and means be instructed to inquire, and report to this House, an estimate of the probable current expenses of the government of this state for the ensuing year, and how far, in their opinion, the taxes of the present year may be reduced so as fully to meet such current expenses, with the assistance of all the unappropriated funds in the treasury, and that the committee have full power to call for and receive all necessary information from the Comptroller and Treasurer: which resolution was adopted.

A message from the Senate by Mr. Lyon their secretary.

*Mr. Speaker*—The Senate have passed bills which originated in your House entitled an act to regulate the fees of certain public officers in Baldwin county; and, an act supplementary to an act for the government of the port and harbor of Mobile. They have also passed a bill which originated in their House, entitled an act to procure surveys, plans and estimates in relation to certain subjects of internal improvement within this state: in which they desire your concurrence. And then he withdrew.

Mr. Mead, from the select committee to whom was referred a resolution instructing them to inquire into the expediency of revising and amending the laws of this state in relation to accounts and claims, so as plainly to distinguish between accounts payable out of the county and state treasury, reported a bill to be entitled an act to pay officers for taking prisoners from one county to another in this state; which was read a first time, and ordered to be read a 2d time on Monday next.

A message from the Senate by Mr. Crath, their assistant secretary.

*Mr. Speaker*—The Senate have read and passed a joint resolution explanatory of the 3d section of an act, entitled an act to fix the salary of the President of the Bank of the State of Alabama, and for other purposes: in which they desire the concurrence of your honorable body. And then he withdrew.

The engrossed joint resolution from the Senate, explanatory of the 3d section of an act, entitled an act to fix the salary of the President of the Bank of the State of Alabama, and for other purposes, was read a first time, and, on motion of Mr. Perkins, the rule requiring bills and joint resolutions to be read on three several days being suspended, four-fifths of the members present voting in the affirmative, the resolution was read a second time forthwith. Mr. Terry moved to amend the resolution by adding at the end thereof, 'and that this resolution be so taken and construed as a repeal of the third section of an act passed at the last session of the legislature, entitled 'an act to fix the salary of the President of the Bank of the State of Alabama, and for other purposes.' On motion of Mr. Moore of Mad. said amendment was laid on the table. Mr. Coopwood then moved that the further consideration of the resolution be indefinitely postponed,

which was lost. Mr. Smith of Laud. then moved to amend the same by adding thereto the following words, 'and that all bills of exchange drawn and payable either within or without the limits of this state, shall upon protest pay 10 per cent,' which was lost. Mr. Harris then offered as an amendment thereto the following proviso: 'provided, that the provisions herein contained shall only extend to such members as are now indebted to the Bank, and to them only for such amount as they are at this time indebted, and in payment of the same,' which was not adopted. Mr. Ross then obtained leave and withdrew the motion by him made to suspend the rule requiring bills to be read on three several days.

And the House adjourned till half past two o'clock.

#### Evening Session.

The House met at half past two o'clock pursuant to adjournment. Mr. Coleman offered the following resolution and preamble:

Whereas considerable extortion and imposition have been exercised and imposed on the planters of South Alabama by the public weigher in the city of Mobile under the present law fixing the price per bale for weighing cotton, by evading the provisions of the present law in making extra charges for hands and scales never intended by the existing law—Therefore,

*Be it Resolved*, that a select committee be appointed to provide an adequate remedy for the existing evil, with sufficient powers, to prevent such impositions in future, with leave to report by bill or otherwise. *Ordered*, that said resolution be referred to a select committee, to consist of messrs. Coleman, Weissenger and Ross.

Mr. Powell offered the following resolution: *Resolved*, That the bank committee inquire into the expediency of passing a law appointing a board of inquiry in each county in this state to inquire into the solvency of all endorsers to notes offered to said Bank to be discounted; which was adopted.

Mr. Parham obtained leave to introduce a bill to be entitled an act to amend an act concerning the town of Tusculum; which was read a first time, and ordered to be read a second time on Monday next.

The joint resolution from the Senate, explanatory of the 3d section of an act to fix the salary of the President of the Bank of the State of Alabama, and for other purposes, having been read a second time, the question was put, shall this bill be read a third time on Monday next? and determined in the affirmative—Yeas 29, nays 25.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Acklen, Benson, Bell, Bradford, Coe, Davis of Fr. Henry, Edmonson, Edwards, Exum, Greening, Heard, Johnson, Lawler, McClung, Moore of Mad. Moore of Jack, McVay of Law, Martin, Perkins, Parham, Ross, Rhodes, Rancy, Roberts, Smith of Mad. Williams, Whitfield.—29.

Those who voted in the negative are, Mr. Ambrister, Bridges, Bailey, Brown, Broadnax, Barclay, Craig, Coopwood, Coleman, Davis of Jack, Dapoy, Dubose, Ellis, Harris, Jones, McVay of Laud, Massey, Neill, Pickens, Perry, Smith of Hen. Smith of Laud, Sims, Terry, Weissenger.—25.

Mr. Ross obtained leave to introduce a bill to be entitled an act to



exempt the members of the hook and ladder company in the city of Mobile from militia and patrol duty, and for other purposes; which was read a first time, and ordered to be read a second time on Monday next.

Mr. McClung obtained leave to introduce a bill to be entitled an act amendatory to the laws now in force relative to attachments, which was read a first time. Mr. Coopwood moved that the further consideration of said bill be indefinitely postponed, which was lost. The bill was then ordered to be read a second time on Monday next.

Mr. Powell obtained leave to introduce a bill to be entitled an act to change the mode of electing lieutenant colonels and majors in this state; which was read a first time. Mr. Johnson moved that the further consideration of said bill be indefinitely postponed; which was carried.

On motion of Mr. Ellis, the engrossed bill to be entitled an act to divorce Mary Duckworth from her husband George Duckworth, was taken up from the table, was read a third time and passed, a constitutional majority having voted in the affirmative—yeas 45, nays 10.

Those who voted in the affirmative are,

Mr. Speaker	Brashear	Duke	moore of mad.	Rhodes
Acklen	Brasher	Edmondson	m'Vay of Law	Raney
Ambrister	Barclay	Ellis	martin	Roberts
Benson	Craig	Exum	massey	Smith of Hen.
Bridges	Coe	Greening	Neill	Sims
Bailey	Coopwood	Heard	Perkins	Terry
Brown	Davis of Fr.	Harris	Patham	Williams
Broadnax	Dupuy	Johnson	Powell	Walthall
Bell	Dunose	m'Clung	Ross	Whitfield-45

Those who voted in the negative are

Mr. Coleman	Dennis	Lawler	Pickens	Smith of Lau.
Davis of Ja.	Jones	m'Vay of Land	Perry	Weissinger-10

Ordered, that the title of said act be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

On motion of Mr. Jones, the engrossed bill to be entitled an act to divorce Coleman Ailen from his wife Rebecca Allen, was taken up; was read a third time and passed, a constitutional majority having voted in the affirmative—Yeas 48, nays 6.

Those who voted in the affirmative are

Mr. Speaker	Brasher	Ellis	moore of mad.	Ross	Rhodes
Acklen	Barclay	Edwards	m'Vay of Law	Raney	
Ambrister	Craig	Exum	mead	Roberts	
Benson	Coopwood	Fluker	martin	Smith of H.	
Bailey	Davis of Fr.	Greening	massey	Smith of mad.	
Brown	Davis of Jack.	Heard	Perkins	Terry	
Broadnax	Dupuy	Johnson	Pickens	Williams	
Bell	Dunose	Lewis	Patham	Walthall	
Bradford	Edmondson	m'Clung	Powell	Whitfield-48	

Those who voted in the negative are

Mr. Bridges	Dennis	Lawler	m'Vay of Land	Perry	Sims-6
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On motion of Mr. Lewis, it was ordered that Mr. Coe be added to the committee to draft a plan of the state capitol.



The bill to be entitled an act to locate the University of Alabama, was read a second time, and ordered to be engrossed for a third reading on Monday next.

The engrossed bill to be entitled an act to make compensation to the commissioners to close the unsettled accounts between this state and Mississippi, was read a third time. Mr. Mead then offered the following amendment to the bill by way of an engrossed rider, to be added at the end of the bill: "S. . . And be it enacted, that Marmaduke Williams and John D. Terrel be hereby made agents for this state to sue the state of Mississippi for all such sum or sums of money due from the state of Mississippi to the state of Alabama, and that the said agents aforesaid be allowed the whole amount so sued for and recovered, as full and entire satisfaction for their trouble as commissioners appointed to settle the unsettled claims between the states before mentioned; which was not adopted.

Mr. McClung, then moved to amend the bill by adding at the end thereof the following provision, by way of engrossed rider: "Provided that any amount which may have been received by said commissioners out of the contingent fund, shall be deducted from the sum allowed them by this act," and also to add thereto the following section: "Sec. 2 and be it further enacted that the law under which said commissioners were appointed be, and the same is hereby repealed;" which amendments were adopted. Mr. Roberts, then moved to fill the blank in the bill with "four hundred dollars," which was lost. Mr. Ellis then moved to fill the blank with "three hundred dollars," which was lost. Mr. Ellis then moved to fill the blank with "two hundred dollars," which was lost. Mr. Roberts, then moved to fill the blank with one hundred and sixty four dollars, which was carried. The bill was then passed. Ordered on motion of Mr. Copwood, that the title be as aforesaid with the addition of the words "and for other purposes," ordered that the same be sent to the Senate for their concurrence.

Mr. Craig, offered the following resolution: "Resolved, that the Judiciary committee be instructed to inquire into the expediency of making some provision for furnishing each Justice of the Peace in this state with all the forms which may be necessary for correctly discharging their duties as Justices of the Peace," which was lost.

The engrossed bill to be entitled an act to extend the jurisdiction of this state over so much of the Creek Nation as was ceded under the treaty of the Indian Springs of 1825, within the chartered limits of this state, was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. Broadnax then moved that the report made by the select committee who reported the last mentioned bill, be spread at length upon the journals of this House, which was carried. Ordered that said report be spread accordingly, which report is in the following words.

"The select committee, to whom was referred so much of his excellency the Governor's message as relates to the Creek treaty, respectfully submit the following Report. They have diligently examined the treaty of the Indian Springs, concluded on the twelfth day of February 1825, by commissioners on the part of the United States, and the chiefs and head men of the Creek nation. On the face of this treaty they see nothing to impeach its validity, but on the contrary, they have found those marks of authenticity which usually attend all the treaties between the Government of the United States and the

several Indian tribes. It was signed by fifty one chiefs and by that tribe and portion of the Creek nation who have always exercised the power of making and signing treaties for and in behalf of the rest of the nation, and attested by John Crowell in his official character as agent of Indian affairs. This treaty thus concluded on the part of the United States and the Creek nation, was formally ratified by the President by and with the advice and consent of the Senate of the United States. Under its provisions the state of Alabama acquired a right which became absolutely vested by the ratification of the treaty to a considerable portion of the Indian lands within its chartered limits, and as such it has become to all intents and purposes a party in interest to said treaty. By the constitution of the United States, all treaties when ratified by the competent authorities are declared to be the supreme law of the land. How far it is competent for the treaty making power by an ordinary act to annul a law of such permanent authority your committee think it is unnecessary at present to enquire, but the question assumes a still more portentous aspect when it is considered that an amendment conflicting with the vested rights of Alabama as a sovereign state, was effected not only without the consent of said state, but in opposition to its expressed and known will on the subject. If the General Government has the power to supercede the rights of a sovereign state, vested under the solemn stipulations of a treaty which in the language of the constitution "is the supreme law of the land" then it has the same power to annul any provision of the constitution itself being a law of only equal authority and by that means to deprive any state of any right secured under its provisions. In the present instance it appears to your committee from the journals of the Senate of the United States, that the treaty of 1825, was set aside in the entire absence of all evidence calculated to impeach its validity. During the pendency of the question, a resolution was introduced by Mr. King, a senator from this state, calling on the President of the United States to lay before the Senate such information as might be in his possession calculated to invalidate the treaty of the Indian Springs. A resolution so reasonable so necessary to the correct adjustment of a difficult question was negatived by a decided majority. Thus under the express declarations of the President of the United States, as appears by his message at the commencement of the session, that the first treaty with all the facts and circumstances in relation to it would be submitted to Congress, were the rights of Alabama passed upon without a knowledge of those facts, which would appear necessary to the Senate in forming any opinion in relation to the matter. Your committee believe that where a state is in possession of a vested right under any compact or treaty with the General Government, that such right appertains to the state in its *sovereign individual character* and not in its *federal* character as constituent part of the Union, hence they believe that these rights *when vested* are not subject to *revision or alteration* by the Congress of the United States, but are under the entire control of the legislature of the state to which they appertain as the proper organ of the sovereign power of such state. Under this view of the subject your committee feel bound to say that in no way could the state of Alabama have been constitutionally dispossessed by Congress of any rights she may have acquired under the treaty of the Indian Springs: that these rights were enacted by the General Government in the very act of ratifying the treaty and promulgating the same as the law of the land, and that no power known to the constitution could divest the state of the use and enjoyment of them without the consent of its state Legislature, the proper organ of its State Sovereignty. To present the question in a tangible form, they recommend to your honorable body the passage of a bill to extend the civil and criminal jurisdiction of the state over the

country acquired within its chartered limits by the treaty of the Indian Springs. They believe that the practical result of the measure will be to cause the validity of the two treaties to be investigated before a competent judicial tribunal and a decision to be had thereon by which the question as regards the rights of Alabama will be forever put to rest. In doing this they believe that no particular hardship or oppression will be practised upon the Indians, living within the limits of the territory over which jurisdiction is proposed to be extended. And then the House adjourned till Monday morning at 9 o'clock.

*Monday, January 1st, 1827.*

The House met pursuant to adjournment.

Mr. Powell presented the petition of Edward Calvert, praying to be authorized to sell a certain land certificate therein named which was referred to a select committee consisting Messrs. Powell, Edmundson, Exum and Bell.

Mr. Terry presented the account William Holbrook junior of Mauga county for certain services rendered the state, which account was referred to the committee on accounts.

Mr. Dennis, from the select committee, to whom was referred the petition of the commissioners of roads and revenue of Covington county, reported a bill to be entitled an act to authorize a levy of a county tax for the county of Covington, which was read a first time and ordered to be read a second time on to-morrow.

Mr. Bridges, from the committee on enrolled bills, reported as correctly enrolled, bills which originated in this House entitled an act supplementary to an act to establish a state University; and an act to alter the mode of appointing assessors and tax collectors, and for other purposes.

Mr. Terry obtained leave to introduce a bill to be entitled an act to incorporate the Rocky Mount Academy in Antauga county which was read a first time and ordered to be read a second time on to-morrow.

The House then resolved itself into a committee of the whole on the bill to be entitled an act to raise a revenue for the support of government until otherwise altered by law. Mr. McClung in the chair; Mr. McClung from the committee of the whole on said bill after a short session, reported the same without amendment, and asked leave to sit again, which was not granted; and the committee was discharged. In the further consideration of said bill, Mr. Mead then moved that said bill be laid on the table, which was carried.

Mr. Sims offered the following resolution: Resolved that the door keeper be required to obtain by purchase or otherwise two stoves for the use of this House, and employ some person to put them up; which was lost.

Mr. Williams obtained leave to introduce a bill to be entitled an act to amend an act passed the 12th of December 1821, securing the payment of rent, which was read and ordered to be read a second time on to-morrow.

Mr. Fluker presented the petition of Jacob Lindsey of Maurengo county praying relief as therein mentioned, which was laid on the table till the first day of June next.

The engrossed bills from the Senate to be enrolled, an act explanatory of an act to provide for the election of Justices of the Peace and Constables, passed Dec. 31, 1822; an act to authorize the Mobile School commissioners to raise a sum of money by lottery; an act to procure surveys, plans and estimates in relation to certain objects of internal improvement within this state; an act making it the duty of the Comptroller of Public Accounts to lay before both Houses of the General Assembly annually, in the first week of its session, a fair expose of the disbursements made from the contingent fund; and an act to provide for the translation and preservation of the Spanish Records.



within this state, were sererally read a first time and ordered to be read a second time to-morrow.

The bill to be entitled an act to pay officers for taking prisoners from one county to another in this state, was read a second time; mr. Greening moved that the further consideration of said bill be indefinitely postponed, which was lost; and on motion of mr. Mead the bill was referred to a select committee and messrs. Mead, Greening, Moore of mad. and Ross were appointed said committee.

A message from the Senate by mr. Lyon their secretary.

Mr. Speaker.—The Senate have passed bills which originated in their body entitled an act to incorporate the Mobile Marine Railway and Insurance company; and an act to authorize the Mobile school commissioners to raise a sum of money by lottery; in both of which they desire your concurrence. They have also passed bills which originated in your Honorable body entitled an act to incorporate the town of Russellville in the state of Alabama, and have amended the same in the manner herewith shewn, in which they desire your concurrence; and an act to emancipate certain slaves therein named; they have also adopted Resolutions herewith communicated, protesting against the exercise of implied, constructive and unconstitutional powers on the part of the Federal Government, and asserting the rights secured to the States respectively by the Constitution of the United States; and have instructed me to report them to your Hon. body & request your concurrence; & then he withdrew.

The engrossed bill to be entitled an act to incorporate the town of Russellville in the state of Alabama, ordered that the House concur in the amendment made by the Senate to said bill. The engrossed resolutions from the Senate protesting against the exercise of implied constructive and unconstitutional powers of the Federal Government, and asserting the rights secured to the States respectively by the Constitution of the United States, was read a first time and ordered to be read a second time on to-morrow.

The engrossed bill to be entitled an act, to incorporate the Alabama and Tennessee Canal Company, was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

The engrossed bill to be entitled an act, for the relief of Theophilus L. Tertmain Tax Collector for the county of Mobile, for the year 1822, was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. McVay of Land obtained leave to introduce a bill to be entitled an act, to reduce the taxes of the people of the State of Alabama, was read a first time, and ordered to be read second time to-morrow.

Mr. Bridges obtained leave to introduce a bill to be entitled an act, to compel Solicitors to reside in their respective Circuits; which was read a first time, and ordered to be read a second time to-morrow.

The bill to be to be entitled an act, to authorize the Administrator of Caleb B. Jones to sell and convey land was read a second time; Mr. Coopwood moved to amend the bill, by adding thereto the following additional section; "and be it further enacted that Herry Dillahunty Administrator of the estate of John L. Vjsor deceased, be authorised to sell and transfer the certificate for a certain quarter section of land, of which said deceased died possessed, under the same rules, regulations and restrictions that the said Winston is bound by in the proceeding section of this act, which was lost;" Mr. McClung then moved to lay the bill and the amendment on the table, which was carried.

The bills of the following titles to wit: an act to authorize a more equal di-

tion of the 17th and 18th regiments of militia in the county of Tuscaloosa, and an act providing for the compensation of B. B. Brendon, were read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act, to incorporate the New-Orleans and Tusculum Steam Boat Company; Mr. Smith of Laud. moved to amend the bill by the addition of several additional sections; Mr. McVay of Laud. moved to lay the bill and the amendments on the table, which was carried.

Mr. Davis of Franklin, moved to take up from the table, the resolutions instructing our Senators and requesting our Representatives in the Congress of the United States to endeavor to procure the passage of a law establishing a Land Office at Bellefonte in Jackson county; which was carried—Yeas 30, Nays 29.

The yeas and nays being desired, those who voted in the affirmative are Mr. Acklen, Bridges, Brown, Bell, Bradford, Brasher, Barclay, Coopwood, Coleman, Davis of Frank. Davis of Jack. Dennis, Duke, Ellis, Heard, Harris, Jones, McClung, Moore of Jack. McVay of Law. Massey, Perkins, Pickens, Parham, Powell, Ross, Smith of Hen. Williams, Weissinger, Whitfield—30.

Those who voted in the negative are Mr. Speaker, Benson, Bailey, Broadnax, Crenshaw, Craig, Coe, Dupuy, Dubose, Edmondson, Edwards, Exum, Fluker, Greening, Johnson, Lawler, Moore of mad. McVay of Laud. Mead, Martin, Neill, Perry, Rhodes, Raney, Smith of Laud. Smith of mad. Sims, Terry, Walthall—29.

Mr. McVay of Laud. moved to strike out the preamble, which was lost: Mr. Davis of Frank. offered the following amendment to the resolution: "also a Land Office in the Town of Tusculum in Franklin county, for the sale and entry of the Lands in Franklin, Marion, Lawrence, and Lauderdale counties, which was not adopted—Yeas 28 Nays 28.

The yeas and nays being desired, those who voted in the affirmative are Mr. Benson, Broadnax, Brasher, Crenshaw, Coe, Coopwood, Coleman, Davis of Frank. Davis of Jack. Dennis, Duke, Ellis, Exum, Greening, Heard, Harris, Johnson, Jones, McVay of Law. Martin, Pickens, Parham, Powell, Rhodes, Smith of Hen. Terry, Williams, Weissinger—28.

Those who voted in the negative are, Mr. Speaker, Acklin, Ambrister, Brown, Bell, Bradford, Barclay, Craig, Dupuy, Dubose, Edmondson, Fluker, McClung, Moore of mad. Moore of Jack. McVay of Laud. Mead, Massey, Neill, Perkins, Perry, Ross, Raney, Roberts, Smith of mad. Sims, Walthall, Whitfield—28.

Mr. Rhodes moved that the further consideration of this bill, be indefinitely postponed, which was lost—Yeas 26 Nays 34.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Benson, Bailey, Bell, Craig, Davis of Fr. Dennis, Dubose, Duke, Edmondson, Exum, Greening, Johnson, Lawler, McClung, McVay of Laud. Neill, Pickens, Parham, Perry, Rhodes, Roberts, Smith of Hen. Smith of Laud. Sims, Terry, Walthall—26.

Those who voted in the negative are, —Mr. Speaker, Acklen, Ambrister, Bridges, Brown, Broadnax, Bradford, Brasher, Barclay, Crenshaw, Coe, Coopwood, Coleman. Davis of Jack. Dupuy, Ellis, Fluker, Heard, Harris, Jones, Moore of mad. Moore of Jack. McVay of Law. Mead, Martin, Massey, Perkins, Powell, Ross, Raney, Smith of mad. Williams, Weissinger, Whitfield—34.

The bill was then ordered to be engrossed for a third reading on to-morrow. A message from the Governor by James I. Thornton Secretary of State.



January 1, 1827. Mr. Speaker.—The Governor did on the 26th ultimo, approve and sign an act, to amend an act, entitled an act, concerning roads, bridges, highways and ferries, in the county of Mobile; and on the 30th ult. an act giving further time to persons holding claims against their respective counties to file the same; an act to authorize the trustees of certain 16th Sections in Jackson county to lease them for any number of years not exceeding twenty, an act, to repeal in part and amend an act entitled an act for the relief of the inhabitants of the first township, range 7 east of the basis Meridian of Huntsville approved January 9th 1826; an act prescribing the punishment of slaves and free persons of colour for the commission of the crime of manslaughter on other slaves or free persons of colour; an act to divorce Kelly Stegall from Nancy Stegall; an act to allow Wm. Wharton to erect a mill on Wills creek in St. Clair county; an act supplementary to the several acts heretofore passed in relation to the county court for the county of Mobile, and for other purposes—and, on this day, the 1st January; an act to divide the thirty sixth Regiment of Alabama Militia; an act to divide the 42d Regiment of the Militia of this State; an act to authorize the field officers of the 46th regiment to form a company of militia in Braxton's settlement; an act to amend an act, entitled an act to incorporate the town of Florence in the State of Alabama, all of which originated in this House; and then he withdrew.

The bill to be entitled an act, making appropriations for the year eighteen hundred and twenty seven, was read a second time; Mr. Moore of Jackson moved to amend the bill by an additional section as engrossed under as follows: "Sec. — And be it further enacted that the sum of twelve hundred and fifty dollars be, and the same is hereby appropriated for the payment of Andrew Pickens, for for his services as President of the Bank of the State of Alabama, for the year 1826," which was adopted; Mr. Coopwood then moved to strike out the sum of one hundred dollars, mentioned in the 3d section as a compensation to the Clerk of the Senate for his services, in completing the journal and arranging the papers of the Senate—also the sum of one hundred dollars mentioned in the fourth section as a compensation to the clerk of the House of Representatives for the like services, which was lost—Yeas 29, Nays 31.

The yeas and nays being desired—those who voted in the affirmative are

Mc Benson	Grisher	Dupuy	McVay of Laud Perry
Bridges	Craig	Dubose	McVay of Law Powell
Brown	Campbell	Duke	Martin
Broadnax	Coleman	Edmondson	Smith of Mad.
Bell	Davis of Fr.	Jones	Massey
Bradford	Detens	Lawler	Perkins
			Pickens
			Terry
			Walthall—29

Those who voted in the negative are

Mr. Speaker	Coe	Board	Smith of Hen.
Acklen	Davis of Jack.	Harris	Smith of La.
Ambrister	Ellis	Johnson	Sims
Bailey	Edwards	McClung	Williams
Barlay	Exum	Floker	More of mad.
Crenshaw	Greering	Moore of Jack.	Raney
			Roberts
			Whitfield—31

And the bill was ordered to be engrossed for a third reading on to morrow. The bill to be entitled an act further to relieve insolvent debtors, and the better to secure the rights of creditors, was on motion of Mr. Coopwood referred to a select committee, whereupon messrs. Coopwood, Smith of mad. and Jones were appointed said committee.

The bill to be entitled an act for the relief of Henry T. Anthony was read a second time; Mr. Sims moved that the further consideration of said bill be indefinitely postponed, which was lost.—Yeas 19 Nays 37.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Benson	Crenshaw	Lawler	massey	Raney
Bridges	Coleman	m'Clung	Pickens	Sims
Brown	Davis of Jack.	moore of mad	Perry	Weissenger—19
Bell	Dubose	m'Vay of Law.	Rhodes	

Those who voted in the negative are

Mr. Speaker	Barclay	Craig	Edwards	m'Vay of Lau.	Smith of Hen.
Acklen	Coe	Exum	Fluker	mead	Smith of Laud.
Ambrister	Coopwood	Greening	martin		Smith of mad.
Amley	Davis of Fr.	Harris	Perkins		Terry
Broadnax	Duke	Johnson	Parham		Williams
Bradford	Edmondson	Jones	Powell		Walthall
Brasher	Ellis	moore of Jack.	Ross		Whitfield—37

Said bill was then ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to repeal in part an act entitled an act to appoint commissioners to lay out two roads leading from the ford on line creek, the one to Coffeeville the other to Tuscaloosa, passed Dec. 31st 1822, was read a 2d time; Mr. Johnson moved to amend the same by adding to said bill an additional section in these words, *Be it further enacted*, That so much of said road as discontinued by this act, be and the same shall be considered as a public road, subject and under the control of the county court and commissioners of roads and revenue; which was carried. Said bill was then ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Moore of mad. the report of the Trustees of the University was taken up and referred to the committee on schools, colleges and universities and school and university lands.

The bill to be entitled an act to require the sheriff of Tuscaloosa county to sell property levied on by Executions in the town of Tuscaloosa, was read a second time; Mr. Craig then moved that the further consideration of said bill be indefinitely postponed, which was lost.—Yeas 26 Nays 29.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Benson	Craig	Exum	Harris	Neill	Rhodes
Bailey	Coleman	Johnson	Perkins		Roberts
Broadnax	Duke	m'Vay of Law.	Perry		Sims
Bell	Edmondson	mead	Powell		Terry
Crenshaw	Edwards	massey	Ross		Weissenger—26

Those who voted in the negative are

Mr. Speaker	Brasher	Dupuy	moore of mad.	Smith of Lau.
Acklen	Barclay	Coe	Ellis	Fluker
Ambrister	Coopwood	Greening	martin	Pickens
Brown	Davis of Fr.	Head	Jones	Parham
Bradford	Davis of Jack.	m'Clung	Raney	
				Whitfield—29

The bill was then ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act for the relief of defendants, was read a second time; Mr. Ellis then moved to add the following proviso at the end of the 2d section of the bill, 'Provided that the defendant give bond with approved security in double the amount of such judgment for the payment of the same, at the end of the second term, which shall have the force of a judgment for the amount so confessed,' which was lost.—Yeas 17, Nays 40.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Davis of Frank	Heard	Perkins	Smith of Hen.
Bridges	Dennis	Ellis	Harris	Pickens
Barclay	Greening	Johnson	Ross	Raney
				Williams—17

Those who voted in the negative are

Mr. Speaker	Crenshaw	Duke	moore of mad.	Powell
Ambrister	Craig	Edmondson	Moore of Jack.	Rhodes
Benson	Coe	Edwards	McVay of Laud	Roberts
Palley	Coopwood	Exum	McVay of Law	Smith of L
Brown	Coleman	Fluker	mead	Smith of m
Floodmax	Davis of Jack.	Jones	Massey	Terry
Frankford	Dupuy	Lawler	Neill	Weissenger
Franklin	Dubose	McClung	Parham,	Walthall.

Said bill was then ordered to be engrossed for a third reading to-mor and then the House adjourned till to-morrow at half past nine o'clock.

*Tuesday morning, January 2, 1827.*

The House met pursuant to adjournment.

Mr. Parham from the select committee to whom was referred the bill to entitled an act amendatory to an act passed 14th January 1826, entitled act to authorize William H. Raggsdale and his associates to turnpike a to therein specified, reported the same without amendment; the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Powell from the select committee to whom was referred the petition Edward Calvert, reported a bill to be entitled an act to authorize Edw. Calvert to sell and convey a certain land certificate, which was read a first time and ordered to be read a second time on to-morrow.

Mr. Lawler from the select committee to whom was referred the petition sundry inhabitants of Shelby county praying the passage of a law to turn certain road out of the plantation of William Stughes, reported a bill to be entitled an act to authorize the Judge of the county court and commissioners roads and revenue of the county of Shelby, to alter a certain road therein named, which was read a 1st time, and ordered to be read a 2d time on to-morrow.

Mr. Coopwood from the select committee to which was referred a bill to entitled an act farther to relieve insolvent debtors, and better to secure rights of creditors; reported an amendment thereto, by striking out the proviso to the second section, and inserting in lieu thereof the following proviso: *Provided* that this act shall not be so construed as to effect the collection of any debt contracted previous to the passage thereof; which was adopted; the bill was then read a second time as amended and ordered to be engrossed for a third reading on to-morrow.

Mr. Harris from the select committee to whom was referred a bill to entitled an act for the relief of Daniel Coleman, reported a substitute for bill bearing the same title, which substituted bill was adopted, read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Coleman from the select committee to whom was referred a prayer and resolution concerning the extortion of cotton weighers in Mobile; reported a bill to be entitled an act supplementary to the several acts now in force passed 21st December 1822 and the 24th 24th December 1824, which was read a first time and ordered to be read a second time on to-morrow.

The engrossed bills from the Senate of the following titles, to wit: an act to incorporate the Mobile marine railway and insurance company; an act to establish the permanent seat of justice in Walker county; an act to authorize Abraham Smith and his associates to erect a mill on Coosa river; an act for the relief of John McGrew; an act concerning owners and keepers of mills and other water works, were severally read a first time, and ordered to be read a second time on to-morrow.

The engrossed joint resolution from the Senate explanatory of the 3rd st

of an act entitled an act to fix the salary of the President of the Bank of State of Alabama, and for other purposes;" was read a third time and passed—Yeas 36, Nays 25.

The yeas and nays being desired, those who voted in the affirmative are

Speaker	Brasher	Edmondson	Moore of Jac.	Powell
Allen	Barclay	Exum	m'Vay of Law	Ross Rhodes
Ambrister	Coopwood	Greening	martin	Raney
erson	Davis of Fr.	Heard	massey	Roberts
Wynn	Dupuy	Lawler	Perkins	Smith of mad.
	Dubose	m'Clung	Pickens	Williams
Welford	Duke	moore of mad.	Parham	Whitfield—36

Those who voted in the negative are

Mr. Bridges	Coe	Edwards	m'Vay of Land	Smith of La.
Bailey	Coleman	Fluker	mead	Sims
Broadnax	Davis of Ja.	Harris	Neill	Terry
Crenshaw	Dennis	Johnson	Perry	Weissenger
Craig	Ellis	Jones	Smith of Hen.	Walthall—25

The engrossed bills of the following titles, to wit: an act to repeal an act, entitled an act to fix the time for convening the General Assembly of the state of Alabama, passed Dec. 6th, 1821; an act to amend in part an act entitled an act for the relief of Wm. McDaniel, passed the 3d day of January, 1825; an act to authorize Edward Sims and his associates to open a turnpike road therein named; an act for the relief of James Millican; and, an act to authorize William Waller to manumit certain slaves therein named, were severally read a third time and passed. *Ordered*, that the titles thereof respectively be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill to be entitled an act to compel certain persons to work on the state road leading from Greensborough to Claiborne, was read a third time, and the question being put, shall this bill pass? it was determined in the negative—Yeas 16, nays 42.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen, Brown, Brasher, Ellis, Fluker, Greening, Heard, McClung, moore of mad. Parham, Rhodes, Raney, Roberts, Smith of Hen. Sims, Whitfield—16

Those who voted in the negative are—Mr. Speaker, Ambrister, Eerson, Bridges, Broadnax, Bell, Bradford, Barclay, Crenshaw, Craig, Coe, Coopwood, Coleman, Davis of Fr. Davis of Ja. Dennis, Dupuy, Dubose, Duke, Edmondson, Edwards, Exum, Harris, Johnson, Jones, moore of Ja. m'Vay of Land, m'Vay of Law, mead, martin, massey, Neill, Perkins, Pickens, Perry, Powell, Smith of Land, Smith of mad. Perry, Williams, Weissenger, Walthall—42.

A message from the Senate by Mr. Crabb their assistant secretary.

*Mr. Speaker*—The Senate have passed bills which originated with your hon. body, entitled an act better to provide for leasing the 16th section therein named; an act to divorce John Hamblin from Hannah Hamblin; an act to divorce Morgan Buck from Lavinia Buck; and an act for the improving the road leading from Blakely to the upper line of Baldwin county, by the way of Duram's. They have also passed bills which originated in the Senate, entitled an act for the re-

lief of John M'Grew; an act concerning the owners and keepers of mills and other water works; and, an act to incorporate the muscle shoals canal company, which they have directed me to report for the concurrence of your hon. body. And then he withdrew.

The engrossed joint resolution from the Senate, providing for the purchase and distribution to each county in this state of two copies of the acts and resolutions of Congress, was read a first time, and the question being put, shall this resolution be read a second time to-morrow? was determined in the negative.

The bills of the following titles, to wit: an act to authorize Wm. M'Daniel and his associates to construct a turnpike road therein named; an act to incorporate the Rocky Mount academy in Autauga county; an act to authorize a levy of a county tax for the county of Covington; an act to exempt the members of the hook and ladder company in the city of Mobile from militia and patrol duty, and for other purposes; an act to revive a certain act herein named; an act to legitimate Thomas Maxwell, Jr.; and, an act to authorize John Snoddy to emancipate his negro woman Sally, were severally read a second time, and ordered to be engrossed for a third reading on to-morrow.

The engrossed bill to be entitled an act authorizing David Leel to emancipate a slave therein named, was read a third time. Mr. Co offered the following amendment by way of engrossed rider, at the end of the bill: 'provided also, that the said Ned during his stay within this state shall be subject to the same laws that all slaves are;' which was adopted. The bill was then read a third time and passed. *Ordered*, that the title thereof be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill to be entitled an act to compensate Reuben Chapman for certain services therein mentioned, was read a third time. Mr. Roodles moved to fill the blank in the bill with '25 dollars;' which was carried. The bill was then passed. *Ordered*, that the title thereof be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill to be entitled an act to amend an act passed the 12th of Dec. 1821, securing the payment of rent, was on motion of Mr. Williams, referred to the judiciary committee, to consider and report thereon.

The bill to be entitled an act more effectually to protect sheriffs and coroners in the discharge of their duties, was read a second time.—Mr. Coopwood moved to amend the bill so as to embrace constables in its provisions, which was carried: and the bill was ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act for the relief of Grantland & Robinson, was read a second time. Mr. Greening moved to amend the bill by adding to the end of the first section thereof the following proviso: 'provided, that they shall be required to print in their paper the most important laws, under the direction of the Secretary of State, and transmit a copy of the same to the clerks of the circuit and county



courts in each county in this state; which was carried. *Ordered*, that said bill be engrossed for a third reading on to-morrow.

The bill to be entitled an act to authorize Martha Brandon, adm'x of Josiah R. Brandon, deceased, to sell and convey certain town lots in Tuscaloosa, was read a second time. Mr. McClung moved to lay the bill on the table, which was lost. The bill was then ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to alter and extend the limits of Clark county, and for other purposes, was read a second time. Mr. Dale moved the indefinite postponement of the further consideration thereof, which was lost. Mr. Bridges moved that the bill be referred to the committee on county boundaries to consider thereof and report thereon, which was lost. *Ordered*, that the bill be engrossed for a third reading on to-morrow.

The bill to be entitled an act to authorize the adm'r. and adm'x. of George Hardwick, deceased, to sell a certificate for one quarter section of land, was read a second time. Mr. Coopwood moved that the further consideration of said bill be indefinitely postponed, which was lost; and the bill was ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to authorize the courts to require security for cost, was read a second time, and on motion of Mr. Acklen, was referred to the judiciary committee to consider and report thereon.

The bill to be entitled an act to authorize parties litigant to take the depositions of witnesses residing within this state in certain cases, was read a second time, and the question being put, shall this bill be engrossed and read a third time on to-morrow? was determined in the affirmative—Yeas 43, nays 17.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Bradford	Exum	Massey	Smith of La.
Acklen	Brasher	Greening	Neill	Smith of Ind.
Ambrister	Coe	Johnson	Parham	Sims
Benson	Coopwood	Jones	Perry	Terry
Bridges	Davis of Ja.	McClung	Powell	Wiesinger
Bailey	Dennis	Moore of Ind.	Ross	Walthall
Brown	Dubose	McVay of La.	Raney	Whitfield—43
Brounax	Duke	Mead	Roberts	
Bell	Edwards	Martin	Smith of Hen.	

Those who voted in the negative are

Mr. Barclay	Coleman	Ellis	Fluker	Moore of Jac.	Pickens
Crenshaw	Davis of Fr.	Heard	Harris	McVay of La.	Rhodes
Craig	Edmondson	Lawler	Perkins	Williams—17.	

The bill to be entitled an act amendatory to the laws now in force relative to attachments, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

The engrossed joint resolutions from the Senate, providing for the purchase of certain books for the use of the state, were read a second time, and ordered to be read a third time on to-morrow.

The engrossed bill from the Senate, to be entitled an act for the re-

Act of James W. Armstrong, was read a second time, and ordered to be read a third time on to-morrow.

The engrossed bill from the Senate to be entitled an act for the relief of the legal representatives of Daniel Duval, was read a second time, and ordered to be read a third time on to-morrow.

The engrossed bill to be entitled an act to authorize plaintiffs to discontinue their actions against one or more defendants in all actions of assumpsit, was read a third time. Mr. Acklen moved to lay said bill on the table, which was lost. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned till this evening at three o'clock.

*Evening session.* The House met pursuant to adjournment.

The engrossed bill from the Senate, to be entitled an act authorizing an extension of the lease taken by Seth Hunt of the salt springs in the counties of Clarke and Monroe, was read a third time and passed—Yeas 41, nays 12.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker	Barclay	Ellis	m'Clung	Raney
Acklen	Crenshaw	Edwards	moore of Jack.	Roberts
Ambrister	Davis of Fr.	Fluker	martin	Smith of Hen.
Benson	Davis of Jack.	Greening	matney	Terry
Bailey	Dale	Dennis	Harris	Perkins
Brown	Dupuy	Johnson	Pickens	Williams
Broadnax	Doboye	Jones	Pacham	Weissenger
Bradford	Duke	Lawler	Ross	Wathall
				Whitfield—41.

Those who voted in the negative are,

Mr. Bell	Coleman	moore of mad.	Powell	Smith of La. 12
Bradley	Edmondson	m'Vay of Land	Smith of mad.	
Craig	Fixum	m'Vay of Law.		

*Ordered*, that the clerk acquaint the Senate therewith.

The engrossed resolutions from the Senate, appointing commissioners to report on the claims of the first purchasers of lots in Calhoun, in 1819, to the next General Assembly, was read a third time and passed—Yeas 35, nays 22.

The yeas and nays being desired, those who voted in the affirmative are—Mr. Speaker, Bridges, Barclay, Brown, Broadnax, Brasher, Barclay, Crenshaw, Coopwood, Davis of Frank, Dale, Dennis, Doboye, Duke, Ellis, Edwards, Greening, Harris, Johnson, Jones, Lawler, moore of Jack, martin, matney, Neill, Pickens, Perry, Ross, Roberts, Smith of Hen, Terry, Williams, Weissenger, Wathall, Whitfield—35.

Those who voted in the negative are—Mr. Ambrister, Bell, Bradford, Craig, Doe, Coleman, Davis of Jack, Dupuy, Edmondson, Fixum, Fluker, m'Clung, moore of mad, m'Vay of Land, m'Vay of Law, Pacham, Powell, Rhodes, Raney, Smith of Land, Smith of mad, Sims—22.

*Ordered*, that the clerk acquaint the Senate therewith.

Mr. Broadnax moved that the House adopt the following resolution:—Resolution concerning the donation of the citizens of Tuscaloosa to the State of Alabama for the seat of government. Whereas, the citizens of the town of Tuscaloosa, by sundry bonds and other written instruments, proposed to the general assembly of the year 1826, to

donate to the state certain property in and near said town of Tuscaloosa, to the amount as then stated of from fifty to one hundred thousand dollars, on the express condition that the seat of government should be removed to and located in said town of Tuscaloosa: And whereas, by an act of the said legislature of 1825, the seat of government was located at said town of Tuscaloosa: And whereas, there exists doubts of the validity of the titles to certain lots which they propose to donate; and if the titles were made good and bona fide, the value to the state would be very inconsiderable, probably not exceeding five or ten thousand dollars: And whereas, it is necessary that the honor and dignity of this state and its constituted authorities should be preserved pure and unsullied: And whereas, the acceptance of the said donation would lay the state and its constituted authorities liable to the imputation of having been bribed to an unjust measure: Therefore, *Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That it is impolitic and inexpedient to accept of any donation to the state from the citizens of Tuscaloosa; and that said citizens be and they are hereby released from any and all obligations of whatsoever kind or description, to complete their said donations, made or offered to be made to this state as aforesaid;*" was read a first time. Mr. Coopwood moved that the preamble and resolution be laid on the table till the first day of March next, which was carried—Yeas 36, nays 24.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Coopwood	Ellis	McVay of Laud	Raney
Ambrister	Davis of Fr.	Exam	McVay of Law	Smith of Lau.
Brown Bell	Davis of Jack.	Flucker	Martin	Smith of mad.
Bradford	Dupuy	Heard	Neill	Sims
Brasher	Dubose	Harris	Parham	Williams
Barclay	Duke	McClung	Powell	Winfield—36
Craig Coe	Edmonson	more of mad.	Ruedes	

Those who voted in the negative are

Mr. Speaker	Crenshaw	Greening	Massey	Smith of Hen.
Benson	Coleman	Johnson	Pickens	Terry
Bridges	Dale	Jones	Perry	Weissenger
Bailey	Dennis	Lawler	Ross	Walsh—24
Broadnax	Edwards	mead	Roberts	

The engrossed bills of the following titles, to wit: an act for the relief of Charles A. Henry; an act to authorize the raising by lottery a sum of money for the purposes therein mentioned; an act for the relief of the securities of John Archer, deceased; an act to incorporate the Pikeville library company; and, an act to define the boundary line between Shelby and Autauga counties, were severally read a third time and passed. Ordered, that their respective titles be as aforesaid. Ordered, that they be sent to the Senate for their concurrence.

The engrossed bill to be entitled an act reducing the price of the Digest of the laws of Alabama, was read a third time. Mr. McClung moved to fill the blank in the bill with 'four dollars,' which was lost. Mr. Weissenger then moved to fill the blank with 'three dollars.'



which was lost. Mr. Weissenger then moved to fill the blank with 'two dollars and a half,' which was carried—yeas 35, nays 26.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Coe	Greening	Moore of mad.	Roberts
Acklen	Davis of Jack.	Heard	Martin	Smith of Hen.
Benson	Dale	Harris	Perkins	Smith of mad.
Bailey	Dennis	Johnson	Pickens	Sims
Brown	Dubose	Jones	Powell	Terry
Barclay	Exum	Lawler	Ross	Weissenger
Crenshaw	Fluker	McClung	Rhodes	Whitfield—35

Those who voted in the negative are

Mr. Ambrister	Brasher	Dupuy	Duke	McVay of Law.	Perry
Bridges	Craig	Edmondson	Mead	Raney	
Broadnax	Coleman	Ellis	Massey	Smith of La.	
Bell	Coopwood	Edwards	Neill	Williams	
Bradford	Davis of Fr.	McVay of Laud.	Parham	Walthall—26	

The bill was then passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The engrossed bill from the Senate, to be entitled an act to provide for the distribution of the public arms among the different volunteer corps of this state, was read a second time, and ordered to be read a third time on to morrow.

The engrossed bill to be entitled an act for the publication of the fees of certain officers therein mentioned, was read a third time. Mr. Bridges offered the following proviso as an engrossed rider to the bill, to wit: 'provided, that this act should only be in force in the counties of Lauderdale and Franklin,' which was rejected. Mr. Johnson then offered the following proviso by way of engrossed rider to the bill: 'provided, however, in case the fee bill be torn down, this act shall only require them to post up new bills once in three months,' which was rejected. The question was then put, shall this bill pass? and was determined in the negative—Yeas 23, nays 37.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Ambrister	Dennis	McVay of Laud	Rhodes	Smith of mad.
Bradford	Dubose	Ellis	McVay of Law.	Raney
Brasher	Craig	Greening	Mead	Perkins
Davis of Fr.	McClung	Pickens	Smith of Hen.	Williams
			Smith of Lau.	Walthall—23

Those who voted in the negative are

Mr. Speaker	Bell	Barclay	Edmondson	Jones	Perry
Acklen	Crenshaw	Edwards	Lawler	Powell	
Benson	Coe	Exum	Moore of mad.	Ross	
Bridges	Coopwood	Fluker	Martin	Roberts	
Bailey	Coleman	Heard	Massey	Terry	
Brown	Davis of Ja.	Harris	Neill	Weissenger	
Broadnax	Dale	Dupuy	Johnson	Parham	Whitfield—37

Mr. Mead, from the select committee to whom was referred the bill to be entitled an act to pay certain officers for taking prisoners from one county to another in this state, reported the same with sundry amendments; which were concurred in; and the bill was ordered to be engrossed for a third reading on to morrow.

The bill to be entitled an act to reduce the taxes of the people of

the state of Alabama, was read a second time. Mr. Smith of Laud. offered the following amendment to the bill as an additional section, viz: 'that the surplus of revenue which has or may accrue from the taxes for the year 1826, after the payment of the civil list, shall be transferred and made a part of the revenue in aid of the taxes for the year 1827, and a like transfer of all excesses which may arise in each and every year hereafter, shall be made in like manner, any law to the contrary notwithstanding.' Mr. Davis of Fr. moved for a division of the amendment, so as to take the question on the first part, from the beginning down to '1827,' inclusive. Mr. M'Clung then offered the following amendment to said amendment, to wit, at the end thereof, 'except so much as has been appropriated for the purpose of building a state capitol.' Mr. Bridges then moved that the bill and amendments be laid on the table, which was lost—Yeas 23, nays 38.

The yeas and nays being desired, those who voted in the affirmative are;

Mr. Acklen	Brasher	Ellis	Martin	Walthall
Bridges	Crenshaw	Fluker	Perkins	Whitfield-23
Brown	Dale	Lawler	Ross	
Bell	Dupuy	M'Clung	Raney	
Bradford	Edmondson	moore of mad.	Williams	

Those who voted in the negative are

Mr. Speaker	Coleman	Exum	mead	Rhodes
Benson	Davis of Fr.	Greening	massey	Roberts
Bailey	Davis of Jack.	Heard	Harris	Neill
Broadnax	Dennis	Johnson	Pickens	Smith of H.
Barclay	Dubose	Jones	Parham	Smith of La.
Craig	Coe Duke	M'Vay of Laud	Perry	Smith of mad.
Coopwood	Edwards	M'Vay of Law	Powell	Sims
				Terry
				Weissinger-38

Mr. Roberts then moved that the main question be put, which was carried; and the question was put, shall the amendment of Mr. M'Clung to the amendment of Mr. Smith of Laud. be adopted? and was determined in the negative—Yeas 29, nays 30.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Ambrister	Davis of Ja.	Fluker	Martin	Rhodes
Brown	Dupuy	Heard	Neill	Raney
Bell	Dubose	Harris	Perkins	Roberts
Bradford	Edmondson	M'Clung	Parham	Williams
Barclay	Ellis	moore of mad.	Powell	Whitfield-29
Coe	Exum	M'Vay of Law	Ross	

Those who voted in the negative are

Mr. Speaker	Crenshaw	Dennis	Lawler	Smith of Lau.
Acklen	Craig	Duke	M'Vay of Laud	Smith of mad.
Benson	Coopwood	Edwards	mead	Sims
Bridges	Coleman	Greening	massey	Terry
Bailey	Davis of Fr.	Johnson	Pickens	Weissinger
Broadnax	Dale	Jones	Smith of Hen.	Walthall-30

Mr. Perkins then moved that the House do adjourn till to-morrow morning at ten o'clock, it being then half past five o'clock in the afternoon, which was lost—Yeas 8, nays 12.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Bell, Davis of Jack. Dale, mead, Neill, Perkins, Ross, Whitfield-8.



Those who voted in the negative are

Mr. Speaker, Acklen, Ambrister, Benson, Bridges, Bailey, Brown, Broadnax, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Coleman, Davis of Frank. Dennis, Dupuy, Dubose, Duke, Edmondson, Ellis, Edwards, Exum, Fluker, Greening, Heard, Harris, Johnson, Jones, Lawler, McClung, moore of mad. mcVay of Laud. mcVay of Law. martin, massey, Pickens, Parham, Powell, Rhodes, Raney, Roberts, Smith of Hen. Smith of Laud. Smith of mad. Sims, Terry, Williams, Weissinger, Walthall—52.

Mr. Exum moved that the amendments offered to the bill lie on the table till the first day of June next, which was carried—Yeas 34, nays 26.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Acklen, Ambrister, Brown, Bell, Bradford, Brasher, Barclay, Coe, Davis of Jack. Dupuy, Dubose, Edmondson, Ellis, Exum, Fluker, Heard, Harris, moore of mad. mcVay of Law. martin, massey, Neill, Perkins, Parham, Powell, Ross, Rhodes, Raney, Smith of mad. Sims, Terry, Williams, Whitfield—34.

Those who voted in the negative are, Mr. Benson, Bridges, Bailey, Broadnax, Crenshaw, Craig, Coopwood, Coleman, Davis of Fr. Dale, Dennis, Duke, Edwards, Greening, Johnson, Jones, Lawler, McClung, mcVay of Laud. mead, Pickens, Roberts, Smith of Hen. Smith of La. Weissinger, Walthall—26.

And then the House adjourned till to-morrow morning at 9 o'clock.

*Wednesday, January 3d, 1827.*

The House met pursuant to adjournment at 9 o'clock.

Mr. Davis of Fr. asked for and obtained leave to have the protest of James Davis, Nathan Smith, and William H. Duke, setting forth their reasons for voting against the bill making an appropriation for the erection of a state capitol, spread upon the journals of this House, which is in the following words:

"The undersigned members of the House of Representatives, who voted in the minority on the bill making an appropriation for the erection of a state capitol, claim the indulgence extended to them by the constitution of their country of spreading upon the journals of the House the reasons that influenced them to vote in opposition to the bill.

The pecuniary distresses of the people of the state of Alabama at this time has not a parallel in any former period of our history. consequently, our taxes which greatly exceed that of any other state must add materially to our other embarrassments, therefore the undersigned believe it to be their duty as representatives of the people to diminish if possible rather than increase these burthens. By the bill making the appropriation, a fund not exceeding the seat of Government land, which is forty three thousand three hundred and thirty dollars and 14 cents is appropriated and is to be drawn from the treasury of the state, the surplus revenue of the year 1827 will not exceed 30,000 dollars, consequently it will be necessary to levy more. If the provisions of the bill to lay a tax of upwards of thirteen thousand dollars in addition to the revenue necessary to be raised to defray the current expenses of the year 1827 as from the provisions of the bill the seat of Government fund which has been transferred to that institution and forms a part of its capital stock) cannot be touched: we should have been equally opposed to the appropriation of the fund as we believe this to be an important crisis in the affairs of our state, owing to the establishing of a branch of the bank of the United States in the city of Mobile, as well as the hostility of some of the other local institutions.

this state; it would have also had the tendency to curtail the accommodations of the bank, eighty-six thousand six hundred and sixty-six dollars, (as that institution is authorized to issue two dollars for each dollar of its capital stock,) at a time when the exigencies of the citizens of this state most require accommodation; from this view of the subject we would have deemed it better policy to have deferred making the appropriation at the present session, and have applied the surplus fund in the treasury, say thirty thousand dollars, to the current expenses of the year 1827, which will amount to about fifty thousand dollars, by which means the state tax might have been reduced three fourths of the present year, as it amounted to about seventy thousand dollars, thereby leaving in each county a large sum for circulation, which under the existing state of things will have by way of taxes to be transferred to the treasury of the state and expended in the erection of a capitol. By the provisions of the bill, only one half of the sum appropriated can be drawn from the treasury until the meeting of the next Legislature, but after the meeting of that session, and before that body could mature and pass a bill to withhold if they should think proper, the other moiety of the appropriation, by a contract of the commissions appointed in the bill, may be appropriated. We do not conceive that making the appropriation to erect a State Capitol in Tuscaloosa, will have any influence on the permanent location of the seat of government, as it cannot be removed without an amendment to the constitution, which requires two thirds of the House or a convention to abolish the present, and form a new constitution, consequently, its location is as permanent as the constitution itself. (signed) *"James Davis, Nathan Smith. Wm. H. Duke."*

Mr. Lawler presented the petition of sundry citizens of the town of Columbia, praying some provision for the appointment of a Justice of the Peace, to reside in said town; which was referred to a select committee, consisting of Messrs. Lawler, Walthall and Harris, to consider and report thereon.

Mr. Coleman a Member from the county of St. Clair, obtained leave of absence from this House after to-morrow, for the remainder of the present session.

Mr. Crenshaw presented the report of Mathew D. Thomason, quarter Master General of this state, shewing the camp equipage quarter master stores, ordnance in his possession &c. which was referred to the military committee.

Mr. McCallum from the judiciary committee, to whom was referred the petition of sundry citizens of the city and county of Mobile, concerning the courts of Mobile county, reported a bill to be entitled an act to require additional services to be performed by the judge of the first judicial circuit in this State which was read a first time, and the rule requiring bills to be read on three several days being dispensed with four fifths of the members present voting in the affirmative, the bill was read a second time forthwith, and ordered to be engrossed for a third reading on to-morrow.

A message from the Senate by Mr. Lyon their Secretary.

*"Senate January 3d, 1827."*

Mr. Speaker, the Senate have read and passed bills which originated in their House of the following titles, to-wit: an act to repeal in part an act passed at St. Stephens, 18th January 1818, incorporating the St. Stephens Steam Boat Company; an act to provide for the purchasing two six pounders for the use of the State; & an act to establish a road from Elyton to Montevallo; also Joint resolutions in relation to the compensation of quarter master general; and a resolution in relation to the system for the disposal of the public lands, and to the unsettled land claims in this State, to all of which they have

instructed me to ask the concurrence of your honorable body; they have likewise passed bills, from the House of Representatives, entitled an act to authorize Ebenezer Byram to sell a certain tract of Land, on the terms and conditions therein mentioned; and an act to authorize the citizens of Summerville to elect a constable," and then he withdrew.

Mr. Coe from the select committee to whom was referred the petition of Wm. Renneau, praying the passage of a law to authorize him as Guardian of the heirs of John Murphy deceased, to have recorded a certain deed therein named; reported that it was in their opinion unnecessary to Legislate on that subject, as there is now in force a law which meets the object of said petition, and asked leave to be discharged from the further consideration thereof. *Ordered*, that said report be concurred in and said committee so discharged.

Mr. Williams from the select committee to whom was referred the memorial of a number of the citizens of Tuscaloosa county, reported a bill to be entitled an act to change the place of holding the Circuit and County Courts of Tuscaloosa county, which was read a first time; Mr. Broadnax then moved that the further consideration of said bill, be postponed till the fourth day of July next, which was carried—Yeas 42, Nays 17.

The yeas and nays being desired, those who voted in the affirmative are

mr. Speaker	Coopwood	Edwards	mead	martin	Raney
Bridges	Coleman	Exum	massey		Roberts
Bailey	Davis of Fr	Greening	Neill		Smith of Hen.
Brown	Davis of Jack.	Harris	Perkins		Smith of mad.
Broadnax	Dale	Johnson	Pickens		Sims
Bell	Dennis	Lawler	Perry	Powell	Terry
Crenshaw	Dupny	Lewis	Ross		Weissenger
Craig	Duke	m'Vay of Law.	Rhodes		Walthall-42

Those who voted in the negative are,

mr. Acklen	Bradford	Edmondson	Jones	m'Vay of Laud.
Ambrister	Brasher	Ellis	Fluker	m'Clung
Benson	Barclay	Coe	Heard	moore of mad.

A Communication in writing was received from the Governor by John G. Aikin.

EXECUTIVE DEPARTMENT January 2, 1827.

"The Honorable the Speaker, & Members of the House of Representatives, Gentlemen I beg leave to request that you will be pleased to receive all communications from this department by the Hands of John G. Aikin Esq. on account of the necessary absence of the Secretary of State, for a few days.

I have the honor to be most respectfully your obedient servant

JOHN MURPHY.

Which was read.

A message from the Governor by John G. Aikin Esq.

January 3rd 1827.

Mr. Speaker, the Governor did on the first instant approve and sign the following bills to wit: an act to alter the time of holding the County Courts of Lawrence, Limestone, Lauderdale, Dallas, Autauga, Montgomery, Perry and Conecuh; an act to authorize the judge of the county court and commissioners of revenue and roads of Shelby county, to levy an extra tax for the purpose of building a jail in and for said county; an act for the relief of James Hall; an act for the relief of Mary Latham; a joint resolution of the Senate and House of Representatives of the State of Alabama, disapproving certain resolutions of the Legislatures of the States of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the State of Ohio, proposing the

emancipation of slaves, and a resolution of the Legislature of New-Jersey, recommending a system of Foreign Colonization; all of which originated in this House: And then he withdrew.

Mr. Bridges from the committee on enrolled bills, reported as correctly enrolled bills which originated in this House of the following titles, to wit: an act to regulate the fees of certain public officers in Baldwin county; and, an act supplementary to an act for the government of the Port and Harbor of Mobile; also, an act which originated in the Senate, entitled an act to provide for the erection of a State Capitol; and, a joint resolution explanatory of the third section of an act, entitled an act to fix the salary of the President of the Bank of the State of Alabama, and for other purposes.

Mr. Perry a member from the county of Butler obtained leave of absence from this House after to-morrow, for the remainder of this session.

Mr. Moore of Jack. from the joint committee appointed to examine and report in nomination two or more sites, of which one may be selected for a state capital &c. Reported, "that said joint committee had performed that duty in part, they have examined and do nominate five sites—which they describe as follows, viz:

Site No. 1. consisting of Lots known in the plan of the Town of Tuscaloosa as Nos. 344, 345, 346, 347, 390, 391, 392, and 393, each containing half an acre; Nos. 345 & 346, are the property of the infant grand children of John Spencer deceased, No. 344, belongs to Thomas M. Davenport, 347, to James Paul, which two latter numbers are worth about \$410, No. 390, belongs to Wm. Owen, may be bought for \$150, Nos. 391, 392, 393, belong to Morgan Buck, may be had for \$300. This site includes the Oak Trees on Washington Street.

Site No. 2. Consisting of Lots Nos. 348, 349, belonging to William G. Parish, may be had at a fair valuation; 350 to Samuel M. Meek; 351, to T. M. Davenport, which may be also had at a fair price; Nos. 386, 387, belong to James H. Dearing; Nos. 388, 389, belong to Edward Sims, which four last mentioned Lots, may be had at cost, said to be \$275 each; the first four Lots, of this site may be had as a donation, if the State House be fixed in Tuscaloosa.

Site No. 3. Consisting of four Lots each half an acre & including adjoining streets, make an area of something more than five acres known in the plan of said town, as market square, a good title to which will be made to the State as a donation if it is selected as the site for the State House, and as an appendage lots to the value of \$1,000 or \$5,900, will also be conveyed to the State.

Site No. 4. Consisting of Lots No. 143, belonging to the infant daughter of Samuel Maverick; Nos. 144, and 145, belonging to James Childress, No. 146, to John W. Lane, upon what terms those lots may be had, your committee are uninformed; this Site is known as Childress' Hill.

Site No. 5. Consisting of Lots known in the plan of Lower Tuscaloosa, as Lots Nos. 5, 6, and 7, and a street forming an area of about five acres, part of which Site is the property of the heirs of George Cox deceased, and the residue belongs to Charles Lewin, which Site your committee are informed, may be had as a donation if selected as a Site for the State House; all of which your committee beg leave respectfully to submit. Ordered, that said report be laid on the table.

The engrossed bills from the Senate of the following titles to wit: an act, to repeal in part, an act passed at St. Stephens, 10th of February 1818, incorporating the St. Stephens Steam Boat Company; and, an act to establish a road from Elyton to Montevallo, were severally read a first time, and ordered to be read a second time to-morrow.

The engrossed resolutions from the Senate, entitled "resolutions in relation to the compensation of Quarter Master General," were read a first time, and ordered to be read a second time on to-morrow.

The engrossed report and resolutions from the Senate, in relation to the system for the disposal of the Public Lands, and to the unsettled land claims in this State, were read a first time, and the rule requiring bills to be read on three several days being suspended, four fifths of the members present voting in the affirma-

tive, they were read a second time forthwith, and ordered to be read a third time on to-morrow.

The engrossed bill from the Senate to be entitled an act to provide for purchasing two six pounders for the use of the State, was read a first time, and then on motion of Mr. Fluker was laid on the table till the first day of February.

The engrossed bill from the Senate, entitled an act to prevent Indians from hunting and trapping within the settled limits of this state, was read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Mr. Mead obtained leave to introduce a bill to be entitled an act appointing a mode in which the site for the state capitol shall be selected; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four fifths of the members present voting in the affirmative, the bill was read a second time forthwith; and the same rule being further dispensed with in the same manner as aforesaid, and the bill being likewise ordered to be taken up as if engrossed, it was read a third time forthwith and passed. *Ordered*, that the title thereof be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The House resumed the consideration of a bill to be entitled an act to reduce the taxes of the people of the state of Alabama. Mr. Moore of Md. moved the adoption of the following amendment at the end of the bill, viz: 'except clocks commonly called wood clocks, which shall hereafter be taxed for the use of the state for each clock, the machinery or works of which shall be made of wood, kept for use, — cents each,' which was adopted. Mr. Moore of Md. then moved to add to the bill the following proviso: 'provided, however, that this act shall not be so construed as to extend to licenses on hawkers and pedlars, or licenses to retailers of spirituous liquors.' And a division of the question being called for, the question was taken on each part, and they were severally adopted: Mr. Terry then moved to add at the end of the proviso, 'or the tax on museums, slight of hand, feats of activity, wax works, or plays,' which was adopted. Mr. Crenshaw then moved to add at the end of the proviso the words, 'or on silver or gold watches,' which was carried. Mr. Broadnax then moved to add at the end thereof the words, 'or on pleasure carriages kept for use, or on race horses, race tracks, stud horses and jacks,' which was carried. Mr. Weissenger then moved that the bill be laid on the table till the first day of July next, which was lost—Yeas 11, nays 50.

The yeas and nays being desired, those who voted in the affirmative are Mr. Brasher, Crenshaw, Dennis, Dubose, Lawler, Massey, Perkins, Pickens, Perry, Weissenger, Whitfield—11.

Those who voted in the negative are, Mr. Speaker, Acklin, Ambrister, Benson, Bridges, Bailey, Brown, Broadnax, Bell, Bradford, Barclay, Craig, Coe, Coopwood, Coleman, Davis of Frank. Davis of Jack. Dale, Dupuy, Duke, Edmonson, Ellis, Edwards, Exum, Fluker, Greening, Heard, Harris, Johnson, Jones, Lewis, McClung, Moore of Md. Moore of Jack. McVay of Laud. McVay of Law. Mead, Martin, Neill, Parham, Powell, Rhodes, Raney, Roberts, Smith of Hen. Smith of Md. Sims, Terry, Williams, Walthall—50.

Mr. McClung then moved that the bill be laid on the table, which was carried—Yeas 32, nays 29.

The yeas and nays being desired, those who voted in the affirmative are



Mr. Acklen, Ambrister, Benson, Bridges, Bailey, Brasher, Crenshaw, Coe, Coopwood, Coleman, Dennis, Dupuy, Duke, Ellis, Fluker, Harris, Lawler, Lewis, m'Clung, moore of Jack, massey, Perkins, Pickens, Perry, Ross, Raney, Roberts, Smith of Hen. Williams, Weissenger, Walthall, Whitfield—32.

Those who voted in the negative are,

Mr. Speaker, Brown, Broadnax, Bell, Bradford, Barclay, Craig, Davis of Fr. Davis of Jack, Dale, Dubose, Edmondson, Edwards, Exum, Greening, Heard, Johnson, Jones, moore, of mad. m'Vay of Laud m'Vay of Law, mead, martin, Parham, Powell, Rhodes, Smith of mad. Sims, Terry—29.

The engrossed bill to be entitled an act to locate the University of Alabama, was read a third time. Mr. M'Clung then offered the following amendment, to be added at the end of the bill as an engrossed rider: 'provided, said location shall be made at the present session of the legislature.' Mr. Roberts moved that the further consideration of said bill be indefinitely postponed, which was lost—Yeas 28, nays 33.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Ambrister, Benson, Bridges, Bailey, Broadnax, Crenshaw, Coleman, Dale, Dennis, Dubose, Duke, Fluker, Greening, Harris, Johnson, Jones, Lewis, Pickens, Perry, Ross, Raney, Roberts, Smith of Hen. Terry, Weissenger, Walthall, Whitfield.—28.

Those who voted in the negative are,

Mr. Acklen, Brown, Bell, Bradford, Brasher, Barclay, Craig, Coe, Coopwood, Davis of Fr. Davis of Jack, Dupuy, Edmondson, Ellis, Edwards, Exum, Heard, Lawler, m'Clung, moore of mad. moore of Jack, m'Vay of Laud m'Vay of Law, mead, martin, massey, Perkins, Parham, Powell, Rhodes, Smith of mad. Sims, Williams—33.

The question was then put, shall the amendment offered by Mr. M'Clung be adopted? and it was determined in the negative—Yeas 28, nays 34.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Acklen	Craig	Coe	Edmondson	m'Vay of Law.	Powell
Brown	Bell	Coopwood	Heard	mead	martin
Bradford	Davis of Fr.	m'Clung	massey	Smith of mad.	
Brasher	Davis of Jack.	moore of mad.	Perkins	Sims	
Barclay	Dupuy	m'Vay of Laud.	Parham	Williams—28	

Those who voted in the negative are

Mr. Speaker	Coleman	Exum	Lewis	Roberts
Ambrister	Dale	Fluker	moore of Ja.	Smith of Hen.
Benson	Dennis	Greening	Neill	Terry
Bridges	Dubose	Harris	Pickens	Weissenger
Bailey	Duke	Johnson	Perry	Walthall
Broadnax	Ellis	Jones	Ross	Whitfield—34
Crenshaw	Edwards	Lawler	Raney	

Mr. Roberts then moved to amend the bill by adding thereto the following by way of an engrossed rider: 'Sec. 3. And be it further enacted, that in voting for said location, counties alone shall be in nomination, and the right to fix the site in the county so selected shall be vested in the trustees of the university;' which was carried. Mr. Roberts then moved to postpone the further consideration of the bill till the first day of June next, which was lost—Yeas 27, nays 35.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Coleman	Greening	Neill	Smith of Hen.
Ambrister	Dale	Dennis	Harris	Terry
Bailey	Dubose	Johnson	Perry	Ross
Broadnax	Duke	Jones	Raney	Whitfield—27
Crenshaw	Fluker	Lewis	Roberts	

Those who voted in the negative are

Mr. Acklen	Barclay	Ellis	moore of Jack.	Parham	
Benson	Craig	Coe	Edwards	m'Vay of Laud.	Powell
Bridges	Coopwood	Exum	m'Vay of Law.	Rhodes	
Brown	Davis of Fr.	Heard	mead	Smith of mad.	
Bell	Davis of Jack.	Lawler	martin	Sims	
Bradford	Dupuy	m'Clung	massey	Williams-35	
Brasher	Edmondson	moore of mad.	Perkins		

Mr. M'Vay of Laud. then moved to fill the blank in the second section of the bill with 'first Monday in May,' which was carried. And the question was then put, shall this bill pass? and was determined in the affirmative—Yeas 37, nays 25.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Davis of Fr.	Heard	m'Vay of Law.	Ross
Brown Bell	Davis of Jack.	Harris	mead	Rhodes
Bradford	Dupay	Lawler	martin	Raney
Brasher	Edmondson	m'Clung	massey	Smith of mad.
Barclay	Edwards	moore of mad.	Perkins	Sims
Craig Coe	Ellis	moore of Jack.	Parham	Williams
Coopwood	Exum	m'Vay of Laud.	Powell	Whitfield-37

Those who voted in the negative are,

Mr. Speaker	Broadnax	Duke	Lewis	Smith of Hen.
Ambrister	Crenshaw	Floker	Neill	Terry
Benson	Coleman	Greening	Pickens	Weissenger
Bridges	Dale Dennis	Johnson	Perry	Walthall-25
Bailey	Dubose	Jones	Roberts	

Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The engrossed bill to be entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, was read a third time and passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

And then the House adjourned till three o'clock.

*Evening Session.* The House met pursuant to adjournment.

The engrossed memorial to the Congress of the United States, requesting further relief to the purchasers of public lands, was read a third time. Mr. Davis of Fr. offered the following proviso by way of engrossed rider: 'provided, that in all cases where persons have relinquished land, on which there was no improvement at the time of the relinquishment, any person settling on the land and making an improvement shall have the liberty of entering the same if he remains a householder thereon;' which was adopted. Mr. Craig then moved to amend the bill by adding thereto the following proviso: 'provided, that all persons having retained land under the eight years relief, shall be permitted to relinquish, and enter again in the same manner as those having relinquished heretofore, and the amount by them heretofore paid shall be applied to the payment of re-entering,' which was lost. The question was then put, shall this bill pass? and was determined in the affirmative—Yeas 52, nays 7.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker, Acklen, Ambrister, Benson, Brown, Broadnax, Bell, Bradford, Brasher, Crenshaw, Coe, Coopwood, Coleman, Davis of Frank, Davis of Jack, Dale, Dennis, Dupuy, Dubose, Edmondson, Ellis, Edwards, Exum, Floker, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, m'Clung, moore of	
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mad. moore of Jack. m'Vay of Laud. m'Vay of Law. martin, massey, Neill, Pickens, Parham, Perry, Powell, Rhodes, Raney, Roberts, Smith of Hen. Smith of mad. Sims, Terry, Weissenger, Walthall—52.

Those who voted in the negative are

mr. Bridges, Bailey, Barclay, Craig, Duke, Ross, Smith of Laud—7.

Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The memorial to the Congress of the United States concerning the selling of the public lands in pieces of forty acres in certain cases, was laid on the table.

The engrossed memorial to the Congress of the United States on the subject of a donation to the trustees of La Fayette Academy in the village of La Grange, was read a third time and passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The engrossed resolutions instructing our Senators and requesting our Representatives in the Congress of the United States to endeavor to procure the passage of a law establishing a land office at Bellefonte, in Jackson county, was read a third time and passed—yeas 47, nays 7.

The yeas and nays being desired, those who voted in the affirmative are

mr. Speaker	Bradford	Dubose	Jones	Powell
Acklen	Brasher	Duke	Lawler	Ross
Ambrister	Barclay	Edmondson	Lewis	Raney
Bridges	Cronshaw	Ellis	moore of Jack.	Roberts
Benson	Craig	Coe	mcVay of Laud.	Smith of Hen.
Bailey	Coopwood	Floker	mcVay of Law.	Terry
Brown	Davis of Jack.	Heard	massey	Williams
Broadnax	Dale	Dennis	Pickens	Walthall
Bell	Dupuy	Johnson	Perry	Whitfield—47

Those who voted in the negative are

mr. Exum	Neill	Smith of Lau.	Sims—7
mcClung	Parham	Smith of mad.	

Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The bill to be entitled an act for regulating the inspection of tobacco, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to compel solicitors to reside in their respective circuits, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

The engrossed bill from the Senate, to be entitled an act to incorporate the muscle shoals canal company, was read a first time; and the rule requiring bills to be read on three several days being suspended, four-fifths of the members present voting in the affirmative, the bill was read a second time forthwith, and was referred to a select committee, consisting of messrs. Davis of Fr. Smith of Laud. M'Clung, Moore of Mad. and M'Vay of Laud. to consider and report thereon.

And then the House adjourned till to-morrow at nine o'clock.

Thursday morning, Jan. 4, 1827.

The House met pursuant to adjournment.

The engrossed bill to be entitled an act making appropriations for the year eighteen hundred and twenty-seven, was read a third time and passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.



Mr. Bridges, a member from the county of Wilcox, obtained leave of absence after to-day during the remainder of this session.

Mr. M'Clung, from the judiciary committee, to whom was referred a resolution instructing them to inquire into the propriety of passing a law making executions issued by justices of the peace bind property from the time they are delivered to the officer, in the same manner that executions do which are issued from the county and circuit courts, reported, that it was in their opinion unnecessary to legislate on the subject: which report was laid on the table.

Mr. M'Clung, from the judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of passing a law more effectually to prevent the importation of negroes into this state for the purposes of sale or hire, and report by bill or otherwise, reported a bill to be entitled an act to prohibit the importation of slaves into this state for sale or hire; which was read a first time, and ordered to be read a second time to-morrow.

Mr. M'Vay of Laud. offered the following resolution: *Resolved*, that this House, with the concurrence of the Senate, will on to-morrow at 7 o'clock P. M. go into the election of a site on which to erect the capitol of this state; which was adopted. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Perkins obtained leave to introduce a bill to be entitled an act to secure the possession of the site that may be selected for the state capitol; which was read a first time. Mr. Martin then moved to postpone the further consideration of the bill til the first day of March next; and after some debate, Mr. Martin moved that the main question be then put, which was lost, and the debate proceeded. The question being then taken on the motion to postpone made by Mr. Martin, it was determined in the negative—Yeas 22, nays 37.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Brasher	Edlis	m'Vay of Laud	Raney
Ambrister	Barclay	Fluker	m'Vay of Law.	Smith of mad.
Brown	Davis of Fr.	m'Clung	Martin	massey
Bradford	Dupuy	Duke	moore of mad.	Williams
			Parham	Whitfield—22

Those who voted in the negative are

Mr. Speaker	Craig	Coe	Greening	mead	Neill	Roberts
Benson	Coopwood	Heard	Perkins	Smith of Hen.		
Bridges	Dale	Harris	Pickens	Smith of Lau.		
Bailey	Dennis	Johnson	Perry	Sims		
Broadnax	Edmondson	Jones	Powell	Terry		
Bell	Edwards	Lawler	Ross	Weissenger		
Crenshaw	Exum	Lewis	Rhodes	Walthall—37		

The bill was then ordered to be read a second time on to-morrow.

A message from the Senate by Mr. Lyon their secretary.

Mr. Speaker—The Senate concur in the amendment made by your honorable body to the resolutions appointing commissioners to report on the claims of the first purchasers of lots in Cahawba in 819, to the next general assembly, and for other purposes. They have passed bills which originated in their House, entitled an act providing a fund for the payment of petit jurors; an act to authorize the intendant and town council of the town of Montgomery to hold their meetings in the court house of Montgomery county; an act supplementary to the several acts heretofore passed granting to Abraham Stout and his associates the pri-

village of opening a turnpike road, commencing at or near John Gandy's in Morgan county, to intersect the Huntsville road at or near Elyton in Jefferson county; and, resolutions relative to the militia laws of this state: in all of which they desire your concurrence. They have also passed bills which originated in the House of Representatives, entitled an act for the relief of Theophilus L. Toulmin, tax collector for the county of Mobile for the year 1822; an act to establish a ferry and appoint commissioners to lay out a certain road therein named; an act to divorce Mary Ducksworth from her husband George Ducksworth; and an act to alter the times of holding the county courts of the county of Tuscaloosa; and have amended the latter bill in the manner herewith shewn: in which amendment they desire your concurrence. And then he withdrew.

Mr. Williams offered the following resolution: "*Resolved*, by the House of Representatives with the concurrence of the Senate, that no site shall be put in nomination to be selected, or which the State Capitol may be erected, except those to which a complete fee simple right can be made to the State, free from any incumbrance, and the right shall be conveyed or secured to the satisfaction of the Legislature, before the selection is made."

Mr. Bell, moved that the further consideration of this resolution, be postponed till the first day of June next, which was carried.

The engrossed bill to be entitled an act, to alter the times of holding the County Courts of the county of Tuscaloosa. Ordered, that this House do concur in the amendments made by the Senate to this bill, by adding at the end of the second section the words. "*Provided*, that the County Court of Tuscaloosa county, at the term hereby appointed to be holden on the second Monday in February next, shall not sustain jurisdiction against any debtor or debtors to the Bank of the State of Alabama;" "also, by adding to the bill an additional third section;" "and also by amending the caption of the bill, by altering the same so as to read, "an act to alter the times of holding the County Courts of the counties of Tuscaloosa, Lawrence and Limestone."

Mr. McClung from the judiciary committee, to whom was referred a bill to be entitled an act, authorizing the Judges of the County Courts to exercise additional jurisdiction in certain cases:" reported the following amendments to the bill, to wit: to strike out all of the first section after the word "lawful," and insert in lieu thereof the following words, to wit: "for the Clerks of the several County Courts in this State to admit to record any deed required to be registered, upon sufficient proof of acknowledgment before him in vacation—Provided that all deeds, admitted to record on the *acknowledgment* of the parties, shall regardless of their dates, commence and take effect from the day of acknowledgment;" and they have also amended it by adding after the word "hereafter" at the end of the first line of the second section, the words "as doubts have existed on the subject;" which amendments were severally adopted, and the bill was read a second time as amended, and ordered to be engrossed for a third reading on tomorrow.

Mr. McClung from the judiciary committee, to whom was referred a bill to be entitled an act, more effectually to guard and secure the right of trial by jury; reported the same without amendment, and the bill was read a second time—the question being then put shall this bill be engrossed and read a third time, was determined in the negative.

Mr. Bridges offered the following resolution, "*Resolved* that the Senate be invited to assemble in the Representative Hall at 7 o'clock this evening, for the purpose of electing a Judge of the County Court, which was adopted. Ordered, that the Clerk acquaint the Senate therewith.

Mr. Craig obtained leave to introduce a bill to be entitled an act, concerning the 16th Section herein mentioned, which was read a first time, and the rule re-



quiring bills to be read on three several days being suspended, four fifths of the members present voting in the affirmative, the bill was then read a second time forthwith, and ordered to be engrossed for a third reading.

The engrossed bill from the Senate, to be entitled an act, more effectually to prevent Breaches of the Peace, was read a first time; Mr. Crenshaw moved that the further consideration thereof, be indefinitely postponed, which was lost—Yeas 25, Nays 36.

The yeas and nays being desired, those who voted in the affirmative are

mr. Speaker	Dale	Harris	mead	Perry
Acklen	Dubose	Jones	martin	Ross
Benson	Edwards	Lawler	Neill	Raney
Bailey	Fluker	Lewis	Pickens	Terry
Crenshaw	Greening	moore of mad.	Parham	Walthall—25

Those who voted in the negative are

mr. Ambrister	Barclay	Duke	moore of Jack.	Smith of Hen.
Bridges	Craig	Coe	Edmondson	m'Vay of Land. Smith of Land.
Brown	Coopwood	Ellis	m'Vay of Law.	Smith of mad.
Broadnax	Davis of Fr.	Exam	massey	Sims
Bell	Davis of Jack.	Heard	Powell	Williams
Bradford	Dennis	Johnson	Rhodes	Weissenger
Brasher	Dupuy	m'Clung	Roberts	Whitfield—36

Ordered, That the bill be read a second time on to-morrow.

A communication in writing was received from his Excellency the Governor, as follows:

EXECUTIVE DEPARTMENT, Jan. 30, 1827.

*The Hon the Speaker and members of the House of Representatives:*

*Gentlemen—I have the honor to inform you of the resignation of Col. Matthew D. Thomason, quarter master general of this state. I also transmit you resolutions of the commonwealth of Kentucky, disapproving of the resolutions of the state of Georgia respecting the ingress or egress of persons of color into any state contrary to the laws of such state.*

*I have the honor to be, most respectfully, your obedient servant,*

JOHN MURPHY.

Ordered, That said communication and the accompanying resolutions be laid on the table.

The engrossed Resolutions from the Senate, entitled—Resolutions relative to the militia laws of this state were read a first time and ordered to be read a second time.

Mr. Moore, of Madison, from the committee on schools, colleges and universities, and school and university lands, to whom was referred so much of the Governor's message as relates to the classification of the university lands, reported a bill to be entitled—"an act amendatory to an act, to class and fix the price of the university lands, passed January 13, 1826;" which was read a first time, and the rule requiring bills to be read on three several days being suspended, four-fifths of the members present voting in the affirmative, the bill was read a second time forthwith, and ordered to be engrossed for a third reading.

Mr. Moore of Mad. from the committee on schools, colleges and universities, and school and university lands, to whom was referred the annual report of the Board of Trustees of the University of Alabama, reported a memorial, to be entitled, "memorial to the Senate and House of Representatives of the United States of America in Congress assembled;" which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, the memorial was read a second time forthwith, and ordered to be engrossed for a third reading.

Mr. Pickens presented the accounts of John C. Perry and James I. Thornton, which were read and referred to the committee on accounts.

The engrossed bill from the senate, to be entitled, an act to authorize E. Ken-

ed, administrator of the estate of William Wright, dec'd. to sell real estate was read a second time, and referred to the judiciary committee.

A message from the Senate by Mr. Crabb, their assistant clerk:

Mr. Speaker—The Senate have concurred in the resolution of your honorable body, proposing to go into the election of a judge of the county court of Wilcox county, this evening at 7 o'clock, and have amended the same by adding thereto, "the quarter-master general."

They disagree to the amendment made by your honorable body, to the bill entitled an act to prevent the Creek Indians from hunting and trapping on lands within the settled limits of this state, by striking out the word "Creek," whenever it occurs in the bill.

They concur in the amendment made by your honorable body, to the second section of the bill, and have amended the same by striking out the words "into the county treasury," and inserting in lieu thereof the words, "to the agent of the nation to which such Indian may belong, for the use and benefit of such Indian." And then he withdrew.

The engrossed bill from the Senate, to be entitled, an act to prevent the Creek Indians from hunting and trapping within the settled limits of this state—*Ordered*, That this house recede from the amendments by them made to the said bill. *Ordered*, That the clerk acquaint the senate therewith.

The engrossed bill to be entitled—an act to authorize William McDaniel and associates to construct a turnpike road therein named, was laid on the table.

The bill to be entitled, an act to provide for the support of paupers, was referred to a select committee, consisting of Messrs. Moore of Mad. Mead and Duke, to consider and report thereon.

The bill to be entitled, an act to authorize Joseph Burleson and his associates, to turnpike certain roads therein named, was referred to a select committee, consisting of messrs Perkins, Parham, Craig, & Duke to consider and report thereon.

Mr. Sims presented the proposal of Edward Sims, which is in the following words:—"I will give to the state of Alabama, lot No. 71, 74, and 106; and one thousand dollars for the front lot called the court house lot, which was given by the town of Tuscaloosa to the state, provided the Legislature thinks proper to put the state house on the same, this 13th day of December, 1826.

(Signed) "EDWARD SIMS."

"N. B. I will reserve to myself the privilege of taking the improvements off the above named lots.  
E. SIMS;"

which was read, and referred to the joint committee appointed to select proper sites whereon to build the state capitol.

The engrossed bill from the senate, to be entitled, an act to provide for the translation and preservation of the Spanish records within this state, was read a second time.

Mr. Ross moved to amend the bill by striking out the words "said county" in the second section and sixth line of the bill, and insert in lieu thereof the words "this state," which was lost.

Mr. Ross then moved to lay the bill on the table, which was carried.

The engrossed bills from the senate, of the following titles, to wit:—an act supplementary to the several acts heretofore passed, granting to Abraham Stout and his associates, the privilege of opening a turnpike road, commencing at or near John Gandy's, in Morgan county, to intersect the old Huntsville road, at or near Elyton, in Jefferson county: an act providing a fund for the payment of petit jurors: and, an act to authorize the Intendant and Town Council of the town of Montgomery, to hold their meetings in the court-house of Montgomery county, were severally read a first time, and ordered to be read a second time.

The engrossed bill from the senate, to be entitled, an act to incorporate the Mobile Railway & insurance company, was read a second time, and ordered to a third reading.

Bills of the following titles, to wit: an act organizing the 12th regiment in St.

Clair county: an act to amend an act concerning the town of Tusculumbia, were severally read a second time, and ordered to be read a third time. Ordered, That this house do concur in the amendment made by the senate to the resolution of this House, proposing to go into the election of a judge of the county court of Wilcox county, this evening at 7 o'clock, by amending the same so as to go also into the election of a quarter master general. Ordered, That the clerk acquaint the Senate therewith.

The bill to be entitled, an act to authorize the inhabitants of township thirteen, in range seven, in Wilcox county, to sell a sixteenth section, and for other purposes, was laid on the table.

The resolutions on the subject of the unsettled accounts between this state and the state of Mississippi were read a second time, and ordered to be engrossed for a third reading.

The bill to be entitled an act concerning the salary of the quarter-master general for the year 1826, was laid on the table.

The engrossed bill from the senate, to be entitled, an act to repeal in part an act passed at St. Stephens, 10th of February, 1818, incorporating the St. Stephens Steamboat company, was read a second time, and ordered to be read a third time.

The engrossed bills, of the following titles, to wit: an act to vest in the county court of Covington county, the powers heretofore exercised by the commissioners of said county, and for other purposes; an act to authorize the school commissioners of the 17th township of range thirteen, to lease the sixteenth section in said township; an act to incorporate the town of Pikeville; and, an act to establish a road from Montevallo to Greensborough, were severally read a third time and passed. Ordered, That the titles thereof be as aforesaid respectively. Ordered, That the same be sent to the senate for their concurrence; and then the House adjourned till half past 2 o'clock.

EVENING SESSION.—The House met at half past 2 o'clock pursuant to adjournment. The bill to be entitled, an act to authorize the inhabitants of township thirteen, in range seven, in Wilcox county, to sell a sixteenth section, and for other purposes, was taken up and ordered to be engrossed for a third reading.

Mr. Coopwood offered the following resolution: "Resolved, with the concurrence of the Senate, that the two houses will assemble in the Hall of the House of Representatives on Friday next, at the hour of 3 o'clock, afternoon, for the purpose of electing a president and twelve directors of the Bank of the State of Alabama;" which was laid on the table.

The engrossed bills, of the following titles, to wit: an act amendatory to an act, passed on the 14th January 1826, entitled an act to authorize Wm. H. Ragsdale and his associates to turnpike a road therein specified; an act to authorize James McDavid to emancipate certain slaves therein named; an act to put part of Byler's road under the jurisdiction of the county court of Tuscaloosa; an act to repeal an act incorporating the town of Rodney, in Washington county; an act amendatory of the laws now in force on the subject of bail in civil cases; an act providing for the compensation of B. B. Breedin; an act to repeal in part an act entitled an act to appoint commissioners to lay out two roads, leading from the ford on line creek, the one to Coffeerville, the other to Tuscaloosa, passed 31st Dec. 1822; and an act to require additional services to be performed by the judge of the first judicial circuit in this state, were severally read a third time and passed. Ordered, That the titles thereof be as aforesaid respectively. Ordered that the same be sent to the Senate for their concurrence.

The engrossed bill to be entitled, an act to authorize executions and attachments to be levied on growing crops in certain cases, was read a third time.

Mr. Acklen moved to amend the bill by way of engrossed rider with the following words: after the word attachment in the first section, "which may be placed in his hands;" which was adopted.



Mr. Acklen then moved to amend the bill, by way of engrossed rider, by adding after the word 'remove,' the words 'or abscond,' which was carried. The bill was then passed. Ordered, That the title be as aforesaid. Ordered, That the same be sent to the Senate for their concurrence.

Mr. Moore of Jack. from the committee on enrolled bills, reported as correctly enrolled, bills which originated in this house, of the following titles to wit: an act for the improving the road leading from Blakely to the upper line of Baldwin county, by the way of Durant's; an act to authorize Ebenezer Byram to sell a certain tract of land on the terms and conditions therein mentioned: an act to emancipate certain slaves therein named: an act authorizing the citizens of Somerville to elect a constable: an act to divorce John Hamblin from Hannah Hamblin: an act to divorce Morgan Buck from Lavinia Buck: an act to incorporate the Tuscaloosa Library Company: also, a bill which originated in the senate, entitled an act authorizing an extension of the lease taken by Seth Hunt, of the salt springs in the counties of Clarke and Monroe: also, an act to provide for the distribution of the arms among the different volunteer corps in this state.

The bill to be entitled, an act to authorize Edward Calvert to sell and convey a certain land certificate, was read a second time, and ordered to be engrossed for a third reading.

The engrossed bills from the Senate of the following titles, to wit: an act making it the duty of the comptroller of public accounts, to lay before both Houses of the General Assembly annually, in the first week of its session, a fair expose of the disbursements made from the contingent fund: an act to authorize the school commissioners to raise a sum of money by lottery: and, an act for the relief of John McGrew, were severally read a second time, and ordered to be read a third time.

The engrossed bill from the Senate, to be entitled, an act explanatory of an act entitled an act, to provide for the election of justices of the peace and constables, passed December 31, 1822, was read a third time and passed. Ordered, That the clerk acquaint the senate therewith.

The engrossed bill, to be entitled an act for the relief of defendants in certain cases, was read a third time and passed. Yeas 40—Nays 19.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Ambrister	Crenshaw	Duke	m'Vay of Laud.	Raney
Benson	Craig	Edmondson	m'Vay of Law.	Smith of Hen.
Bridges	Coe	Exum	mead	Smith of Laud.
Brown	Coopwood	Fluker	martin	Smith of mad.
Broadnax	Davis of Fr.	Jones	massey	Terry
Bradford	Dennis	Lawler	Parham	Williams
Brasher	Dupuy	m'Clung	Powell	Weissenger
Barclay	Dubose	moore of mad.	Rhodes	Walthall-40

Those who voted in the negative are,

Mr. Speaker	Davis of Jack.	Greening	moore of Jack.	Roberts
Acklen	Dale	Heard	Neill	Sims
Bailey	Ellis	Harris	Pickens	Whitfield-19
Bell	Edwards	Johnson	Ross	

Ordered, That the title be as aforesaid. Ordered, That the same be sent to the senate for their concurrence.

Mr. Barclay offered the following resolution: *Resolved*, That the military committee be instructed to inquire into the expediency of reporting a bill to this House, prescribing the manner in which the public arms shall be distributed to the different counties in this state, and delivered to the same, in pursuance of an act of the present General Assembly; which was adopted.

The engrossed bill to be entitled an act for the relief of Henry T.

Anthony, was read a third time, and the question being put, shall this bill pass? it was determined in the negative—Yeas 25, nays 38.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Craig	Edmondson	Harris	Ross
Acklen	Coe	Ellis	Johnson	Terry
Broadnax	Dale	Exum	Mead	Williams
Bradford	Dubose	Fluker	Parham	Walthall
Brasher	Duke	Heard	Powell	Whitfield—25

Those who voted in the negative are

Mr. Ambrister	Crenshaw	Greening	M'Vay of Lau.	Roberts
Benson	Coopwood	Jones	M'Vay of Law.	Smith of Hen.
Bridges	Davis of Fr.	Lawler	Massey	Smith of Land.
Bailey	Davis of Jack.	M'Clung	Neill	Pickens
Brown	Bell	Dennis Dupuy	moore of mad.	Rhodes
Barclay	Edwards	moore of Jack.	Raney	Simms
				Weissenger 33

The engrossed bill to be entitled an act to require the sheriff of Tuscaloosa county to sell property levied on by executions, to sell the same in the town of Tuscaloosa, was read a third time: the question was then put, shall this bill pass? and it was determined in the negative.

The engrossed bill to be entitled an act to exempt the members of the hook and ladder company in the city of Mobile from militia and patrol duty, and for other purposes, was read a third time. Mr. Ross moved to amend the bill by way of engrossed rider, at the end of the first section, by adding the following proviso: 'provided, however, that the number of said company shall not at any one time exceed twenty-five,' which was adopted. The bill was then passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Moore of Jack. offered the following resolution: Resolved, by the Senate and House of Representatives of the state of Alabama, in General Assembly convened, that it shall be lawful for any member of the General Assembly to nominate any site for a state house which he may think proper, in addition to those nominated by the joint committee appointed for that purpose; which was read a first time, and ordered to be read a second time.

The engrossed bill from the Senate, to be entitled an act prescribing the mode for probating the will of Francis Jones, deceased, was read a second time. Mr. M'Clung moved that the bill be laid on the table till the first day of June next, which was carried—Yeas 43, nays 16.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Coe	Exum	Neill	Smith of La.
Benson	Coopwood	Fluker	Pickens	Simms
Brown	Davis of Ja.	Jones	Parham	Terry
Broadnax	Dale	Lawler	Pucell	Williams
Bell	Dennis	Lewis	Ross	Weissenger
Brasher	Dupuy	M'Clung	Rhodes	Walthall
Barclay	Dubose	M'Vay of Law	Raney	Whitfield—43
Crenshaw	Duke	Mead	Roberts	
Craig	Edmondson	Massey	Smith of Hen.	

Those who voted in the negative are

Mr. Acklen	Bradford	Edwards	Johnson	M'Vay of Lau.
Ambrister	Davis of Fr.	Greening	Moore of mad.	Martin
Bridges	Ellis	Heard	Harris	Moore of Jac.
				Smith of mad 16

The engrossed joint resolution, proposing certain amendments to the



constitution of the state of Alabama, was read a third time. Mr. Moore of Jack. moved to amend the resolution by way of engrossed rider, by inserting after the word 'elected,' where it occurs in the 14th line, 'by the qualified electors for the General Assembly in each judicial district in the state,' which was lost—Yeas 24, nays 35.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Coopwood	Johnson	m'Vay of Land	Ross
Bradford	Davis of Fr.	Jones	m'Vay of Law	Rhodes
Crenshaw	Ellis	m'Clung	martin	Smith of Lau.
Craig	Edwards	moore of mad.	massey	Williams-24
Coe	Greening	moore of Jac.	Perkins	

Those who voted in the negative are

Mr. Speaker	Bridges	Duke	Lewis	Smith of Hen.
Ambrister	Barclay	Edmondson	mead	Smith of mad.
Benson	Davis of Ja.	Exum	Neill	Sims
Brasher	Dale	Fluker	Pickens	Terry
Brown	Dennis	Heard	Parham	Weissinger
Broadnax	Dupuy	Harris	Powell	Walthall
Bell	Dubose	Lawler	Raney	Whitfield-35

Mr. Moore of Jack. then moved to fill the blank in the bill with 'seventy five years,' which was lost—Yeas 2, nays 57.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen moore of Jack.

Those who voted in the negative are

Mr. Speaker	Craig	Coe	Edwards	m'Vay of Land	Rhodes
Ambrister	Coopwood	Exum		m'Vay of Law	Raney
Benson	Davis of Fr.	Fluker	mead		Smith of H.
Bridges	Davis of Jack.	Greening	martin		Smith of La.
Brown	Dale	Heard	massey		Smith of mad.
Broadnax	Dennis	Johnson	Neill		Sims
Bell	Dupuy	Jones	Perkins		Terry
Bradford	Dubose	Lawler	Pickens		Williams
Brasher	Duke	Lewis	Parham		Weissinger
Barclay	Edmondson	m'Clung	Powell		Walthall
Crenshaw	Ellis	moore of mad.	Ross		Whitfield-57

While the aforesaid yeas and nays were calling, Mr. Mead moved that the House adjourn till half past six o'clock this evening. Mr. Speaker declined to put the question of adjournment while the votes were taking, being of the opinion that the motion at such time was not in order. Mr. Mead appealed to the House from the decision of the chair, which appeal was determined in favor of the chair.

It was then moved to fill the blank in the bill with 'six years,' which was lost. Mr. Broadnax then moved to fill the blank with 'four years,' which was lost—Yeas 28, nays 30.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Ambrister	Davis of Fr.	Heard	m'Vay of Law.	Smith of mad.
Brown	Dennis	Harris	mead	Terry
Broadnax	Dupuy	Johnson	massey	Weissinger
Bradford	Dubose	Jones	Parham	Walthall-28
Brasher	Duke	Lewis	Powell	
Barclay	Edmondson	m'Vay of Land.	Smith of Hen.	

Those who voted in the negative are

Mr. Speaker	Bridges	Coe	Dale	Exum
Acklen	Bell	Coopwood	Ellis	Fluker
Benson	Crenshaw	Davis of Ja.	Edwards	Greening

Lawler	Moore of Jac.	Perkins	Raney	Williams
m't lung	martin	Pickens	Roberts	Whitfield-30
moore of mad.	Neill	Ross Rhodes	Smith of La.	

It was then moved to fill the blank with 'three years,' which was lost. It was then moved to fill the blank with 'two years,' which was lost—Yeas 22, nays 36.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Brasher	Duke	Ellis	moore of mad.	Parham
Brown	Davis of Fr.	Greening		m'Vay of Laud.	Terry
Broadnax	Dennis	Jones		m'Vay of Law.	Weissenger
Bradford	Dubose	Lewis		mead	massey Walthall-22

Those who voted in the negative are

Mr. Speaker	Coe	Exum	moore of Jack.	Raney
Ambrister	Coopwood	Fluker	martin	Roberts
Bridges	Davis of Jack	Heard	Neill	Smith of Hen.
Benson	Dale	Harris	Perkins	Smith of mad.
Bell	Dupuy	Johnson	Pickens	Smith of Laud.
Barclay	Edmondson	Lawler	Powell	Williams
Crenshaw	Edwards	m'Clung	Ross Rhodes	Whitfield-36

Mr. Ross then moved to lay the resolutions on the table till the first day of March next, which was lost—Yeas 27, nays 33.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Coopwood	Greening	martin	Neill	Roberts
Acklen	Davis of Jack.	Lawler	Perkins		Smith of La.
Ambrister	Dale	Ellis	m'Clung	Pickens	Sims
Crenshaw	Exum	moore of mad.	Rhodes		Williams
Coe	Fluker	moore of Ja.	Ross		Whitfield-27

Those who voted in the negative are

Mr. Benson	Barclay	Edmondson	m'Vay of Laud.	Smith of Hen.
Bridges	Craig	Edwards	m'Vay of Law.	Smith of mad.
Brown	Davis of Fr.	Heard	mead	Terry
Broadnax	Dennis	Harris	massey	Weissenger
Bell	Dupuy	Johnson	Parham	Walthall-33
Bradford	Dubose	Jones	Powell	
Brasher	Duke	Lewis	Raney	

And then the House adjourned till half past six o'clock to-night.

*Night Session* The House met pursuant to adjournment.

Mr. Johnson offered the following resolution; Resolved, that the Senate be informed that this House is now ready to receive them, to go into the election of a Judge of the County Court of Wilcox county, and a Quarter Master General, and that the east end of the Hall of the House of Representatives be set apart for their reception; which was adopted. Ordered, that the Clerk acquaint the Senate therewith; the Senate having appeared and taken the seats allotted them, the two Houses proceeded to the election of a Judge of the County Court, for the county of Wilcox, to supply the vacancy occasioned by the removal of Edwin L. Harris.—Messrs. James C. Irwin and Benjamin Williamson, being in nomination.—For Mr. Irwin 47 votes—for Mr. Williamson 24 votes.

Those who voted for Mr. Irwin are, (Senate) Messrs. Ashe, Crabb, Irwin, meriwether, miller, Skinner, (Representatives,) Mr. Speaker, Acklen, Benson, Bridges, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Craig, Coopwood, Davis of Fr. Dale, Dupuy, Duke, Edmondson, Ellis, Exum, Fluker, Greening, Heard, Johnson, Jones, Lawler, moore of mad. moore of Jack. m'Vay of Laud. m'Vay of Law. martin, massey, Perkins, Pickens, Powell, Rhodes, Smith of Hen. Smith of mad. Williams, Weissinger, Walthall, Whitfield—47.

Those who voted for Mr. Williamson are, (Senate,) Mr. President, Abercrombie, Bagby, Brown, Clay, Gaines, Jackson, Jones, McCamy, Shackelford, Sulli-

van; (Representatives,) Mr. Crenshaw, Coe, Dennis, Dubose, Harris, Lewis, McClung, Neill, Parham, Raney, Smith of Laud. Sims, Terry—24.

Mr. Speaker, therefore declared James C. Irwin to be duly elected Judge of the County Court of Wilcox county, for the time fixed by the laws of this State, he having received a majority of the votes given.

The two Houses then proceeded to the election of a Quarter Master General. Messrs. Blake Jones, Burrell Traywick, Dugald McFarlane, William B. Bullfin, Charles Lewin and Charles Moorman, being in nomination.

For Mr. Jones 27—votes, for Mr. Traywick 12—for Mr. McFarlane 6—for Mr. Lewin 28—for Mr. Bullfin 1—for Mr. Moorman 1.

Those who voted for Mr. Jones are, (Senate) Mr. President, Brown, Clay, Irwin, Miller, Shackleford, Skinner; (Representatives) Mr. Acklen, Brown, Bradford, Brasher, Craig, Coopwood, Davis of Fr. Dennis, Dupuy, Edmondson, Jones, Moore of Mad. McVay of Laud. Martin, Perkins, Pickens, Parham, Ross, Roberts, Smith of Mad.—27.

Those who voted for Mr. Traywick are, (Representatives) Mr. Speaker, Bridges, Barclay, Dubose, Duke, Fluker, Greening, Lawler, Moore of Jack. Terry, Weissenger, Whitfield—12.

Those who voted for Mr. McFarlane are (Senate) Messrs. Bagby, Crabb, Jones, (Representatives,) Mr. Benson, Harris, Williams—6.

Mr. Ellis voted for Mr. Moorman.

Those who voted for Mr. Lewin are (Senate,) Messrs. Abercrombie, Ashe, Casey, Gaines, Jackson, McCamey, Merriwether, Sullivan, (Representatives,) Mr. Broadnax, Bell, Crenshaw, Coe, Dale, Edwards, Exum, Heard, Johnson, Lewis, McClung, McVay of Law. Massey, Neill, Powell, Rhodes, Raney, Smith of La. Sims, Walthall—28.

Mr. Smith of Hen. voted for Mr. Bullfin.

No one of the candidates having received a majority of the votes given, Mr. Speaker declared that no election had been made, and the two Houses then proceeded to vote a second time, for a Quarter Master General. The names of Messrs. Moorman, Bullfin and McFarlane being withdrawn Messrs. Lewin, Jones and Traywick only remaining in nomination.—For Mr. Lewin 37—Mr. Jones 30—Mr. Traywick 8.

Those who voted for Mr. Lewin are, (Senate,) Messrs. Abercrombie, Ashe, Bagby, Casey, Clay, Gaines, Jackson, McCamey, Merriwether, Sullivan, (Representatives) Mr. Benson, Broadnax, Bell, Crenshaw, Coe, Dale, Edwards, Exum, Heard, Harris, Johnson, Lawler, Lewis, McClung, Moore of Ja. McVay of Law. Massey, Neill, Powell, Rhodes, Raney, Roberts, Smith of Hen. Smith of Laud. Sims, Terry, Walthall—37.

Those who voted for Mr. Jones are, (Senate,) Mr. President, Brown, Crabb, Irwin, Jones, Miller, Shackleford, Skinner, (Representatives,) Mr. Acklen, Brown, Bradford, Brasher, Craig, Coopwood, Davis of Fr. Dennis, Dupuy, Duke, Edmondson, Jones, Moore of Mad. McVay of Laud. Martin, Perkins, Pickens, Parham, Ross, Smith of Mad. Williams, Weissenger, 30.

Those who voted for Mr. Traywick are, (Representatives,) Mr. Speaker, Bridges, Barclay, Dubose, Ellis, Fluker, Greening, Whitfield—8.

No one candidate having received a majority of the votes given, Mr. Speaker declared that there was no election made; and therefore the two houses proceeded to vote a third time for a quarter master general—The name of Mr. Traywick was then withdrawn, and messrs. Lewin and Jones only, being in nomination—For Mr. Lewin, 42 votes; Mr. Jones, 32.

Those who voted for Mr. Lewin, are—(Senate), messrs. Abercrombie, Ashe, Casey, Clay, Gaines, Jackson, McCamey, Merriwether, Sullivan; (Representatives), Mr. Speaker, Benson, Broadnax, Bell, Barclay, Crenshaw, Coe, Dale, Dubose, Edwards, Exum, Fluker, Heard, Harris, Johnson, Lawler, Lewis, McClung, Moore of Jack. McVay of Law. Massey, Neill, Powell, Rhodes, Raney, Roberts, Smith of Hen. Smith of Laud. Smith of Mad. Sims, Terry, Weissenger and Walthall—42.



Those who voted for Mr. Jones, are—(Senate). Mr. President, Brown, Crabb, Irwin, Jones, Miller, Shackelford, Skinner; (Repr's's.). Messrs. Acklen, Bridges, Brown, Bradford, Brasher, Craig, Coopwood, Davis of Frank, Dennis, Dupuy, Duke, Edmondson, Ellis, Greening, Jones, Moore of Madison, McVay of Land, Martin, Perkins, Pickens, Parham, Ross, Williams, Whitfield—32.

Mr. Lewin having received a majority of all the votes given, he was declared to be duly elected quarter master general for this state, for the time prescribed by the laws of this state, to fill the vacancy occasioned by the resignation of Matthew D. Thomason.

The elections being completed, the senate withdrew; and then the house adjourned till to-morrow at 9 o'clock.

*Friday morning, January 5th, 1827.*

The house met pursuant to adjournment.

Mr. Moore of Madison from the select committee, to whom was referred so much of the governor's message as relates to annexing a part of West Florida to this state, with the accompanying documents on that subject, reported joint resolutions in relation to the annexation of West Florida to the state of Alabama, which was read a first time and ordered to be laid on the table.

A message from the senate by Mr. Lyon, their secretary—Mr. Speaker: The senate have passed bills, which originated in their house, entitled, an act to provide for the better regulation of common schools; and an act to provide for the better regulation of common schools; and an act authorizing the transfer of certain lands therein mentioned; in which they desire your concurrence. They have also passed bills which originated in the house of representatives, entitled, an act to divorce Coleman Allen from his wife Rebecca Allen; and an act to extend the civil and criminal jurisdiction of this state over so much of the Creek nation as was ceded under the treaty of the Indian springs, of 1825, within the chartered limits of this state; and then he withdrew.

A communication in writing was received from his Excellency the Governor, by John G. Aikin, esq.

EXECUTIVE DEPARTMENT, Jan. 4th, 1827.

*The Hon. the Speaker and members of the House of Representatives:*

Gentlemen—I beg leave to recommend that the militia laws be so changed, as to make it the duty of the major general to detail the courts martial to decide the contested elections of brigadier generals in their several divisions. Delays which cannot be accounted for, have occurred in detailing a court to decide a contested election in the 13th brigade. In that brigade there was a contested election of brigadier, in the year 1825; and a court martial decided that the election was void. A new election in 1826 was ordered and held, and the election was again contested. Several applications have been made to the adjutant general to detail a court; but from causes unknown to this department, no such detail is yet known to have been made. It is believed, that it would be more convenient, and less liable to injurious delays, as in the present instance, should the power to detail courts in such cases be vested in the major generals.

*I have the honor to be, most respectfully, your obedient servant,*

JOHN MURPHY;

which was read and referred to the military committee, to consider of, and to report thereon, by bill or otherwise.

Mr. Davis of Frank from the select committee, to whom was referred the bill to be entitled—an act to incorporate the muscle shoals canal company, reported the following amendments to said bill to be adopted, to wit:—1st. In the first section, 2d line from the bottom, strike out 1876, and insert 1866. 2d. In 2d page, 8th line from the bottom after the word advisable, strike out all to "watercraft," and insert the following: "Provided that said locks, dams, &c. shall not interfere with, or in any manner, obstruct the free navigation of said shoals in the channels now in use, nor charge any tolls for the navigable unimpaired parts thereof." 3d. In page 5th, at the end of the 4th section, insert—"Provided,

that the President, Directors, nor either of them, shall be authorized to represent any stockholder by proxy; nor become interested, either directly nor indirectly, in any contract for the doing and performing any part of said work." 4th. In page 5, bottom line; after the word "place," insert "within the Tennessee Valley." 5th. In page 7th, 8th line from the top; after the word "advisable," insert "Provided the President and Directors shall give sixty days notice of such call." 6th. In page 13: at the end of the 9th section insert, "Provided they shall at all times keep some person or persons at each and every gate erected on said canal, for the purpose of letting such boats or water craft through the same, without delay or detention; and for every such failure or neglect, shall forfeit and pay to the owner, master, or agent of such boat or water craft, the sum of ——— dollars for each hour such boat or water craft may be thereby detained, recoverable before any tribunal having competent jurisdiction thereof." 7th. In page 14, 5th line from bottom; after the word "the," insert "next succeeding." 8th. In page 15, 8th line from bottom; after the word "right," insert "and shall;" and after the word "so," strike out "to." 9th. In page 16, 4th line from bottom, strike out "one," and insert "two."

The question was then separately put on the adoption of the first, second, third, fourth and fifth amendments; and they were severally adopted.

Mr. McClung then moved to amend the 6th amendment proposed by the select committee, by adding thereto the following proviso—"Provided, however, that no such penalty shall be incurred for any detention arising from unavoidable accident, or from any temporary derangement of the works," which was carried.

The said sixth amendment reported by the select committee, so amended, was then adopted.

The question was then separately put on adopting the 7th and 8th amendments reported by the select committee, and they were severally adopted.

Mr. Greening then moved to amend the 9th amendment, reported by the select committee, by striking out of said proposed amendment the word "two," proposed as a substitution for the word "one" in the bill, and inserting in lieu thereof the word "three;" and a division of the question was called for—first to concur with the committee so far as to strike out the word "one" in the bill, which was carried. Mr. McClung then moved to fill the blank in the bill with the word "two," which was carried. Mr. McVay of Laud. then moved to amend the bill by adding thereto an additional section, numbered 18, which was carried. Mr. Davis of Frank. then moved to amend the bill by striking out all that part of the bill which authorizes dealing in bills of exchange; which was carried. Yeas 47—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Crenshaw	Fluker	moore of Jack.	Smith of Hen.
Acklen	Craig	Coe	Greening	m'Vay of Laud.
Benson	Coopwood	Harris	n'Vay of Law.	Smith of mad.
Bridges	Davis of Fr.	Johnson	martin	Sims
Brown	Davis of Jack.	Jones	Neill	Terry
Broadnax	Dale	Dennis	Lawler	Pickens
Bradford	Dubose	Lewis	Parham	Weissenger
Brasher	Ellis	m'Clung	Rhodes	Walthall
Barclay	Edwards	moore of mad.	Raney	Whitfield—47

Those who voted in the negative are

Mr. Bell      Edmondson      Exum      Heard      mead      Powell      Ross

Mr. McClung then moved to insert in lieu of the part stricken out on the motion of Mr. Davis, in the first section commencing after the word "thereof" in the 3d page and 4th line from the bottom, the following: "and that said company be authorized to draw, buy, sell, and endorse bills of exchange to any amount not exceeding one hundred thousand dollars, for the purpose of raising money to complete said canal, during the progress of the work, until it is completed, not



to exceed five years; and afterwards to purchase (but not draw) bills of exchange to the amount of their dividends for the purpose of making remittances to distant stockholders; and provided also, that said company shall at no time draw a bill of exchange for a less sum than two thousand dollars; and in no instance shall said company buy bills of exchange at a discount, or sell them at a premium."

A division of the question was then called for—and the question was first taken on the first of the proposed amendments down to the word dollars; and the same was carried. Yeas 30—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker	Barclay	Dubose	m'Clung	Ross
Ambrister	Coe	Edmondson	Moore of mad.	Rhodes
Benson	Davis of Ja.	Edwards	massey	Raney
Brown	Dale	Heard	Perkins	Smith of mad.
Broadnax	Dennis	Harris	Parham	Williams
Bell	Dupuy	Lewis	Powell	Whitfield—30

Those who voted in the negative are

Mr. Acklen	Coopwood	Greening	m'Vay of Laud.	Smith of Hen.
Bridges	Davis of Fr.	Johnson	m'Vay of Law.	Smith of Laud.
Brasher	Duke Ellis	Jones	martin	Terry
Crenshaw	Exum	Lawler	Neill	Weissenger
Craig	Fluker	Moore of Jack.	Pickens	Walthall—26

The question was then put on the adoption of the remaining and last part of said amendment, from the word dollars as aforesaid, to the end; which was adopted. Yeas 15—Nays 19.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Crenshaw	Fluker	m'Vay of Laud.	Rhodes
Acklen	Craig	Greening	m'Vay of Law.	Raney
Ambrister	Coopwood	Harris	mead	Smith of H.
Benson	Davis of Fr.	Johnson	martin	Smith of Laud.
Brown	Davis of Jack	Jones	massey	Terry
Broadnax	Dale	Dennis Lawler	Perkins	Williams
Bradford	Dupuy	Dubose Lewis	Pickens	Weissinger
Brasher	Edmondson	m'Clung	Parham	Walthall
Barclay	Ellis	Edwards	Moore of Jack.	Powell
				Whitfield—48

Those who voted in the negative are

Mr. Bridges	Coe	Exum	Moore of mad.	Ross
Bell	Duke	Heard	Neill	Smith of mad.

Mr. Terry moved to amend the first section of the bill, by striking out the word 'five,' before the word 'years' and to insert in lieu thereof the word 'ten,' which was lost. Yeas 25—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Benson	Dale	Johnson	m'Vay of Laud.	Raney
Bridges	Duke	Jones	m'Vay of Law.	Smith of Hen.
Broadnax	Edwards	Lawler	martin	Terry
Coopwood	Fluker	m'Clung	Pickens	Weissinger
Davis of Fr.	Greening	Moore of Jac.	Parham	Walthall—25

Those who voted in the negative are

Mr. Speaker	Brasher	Dupuy	Harris	Powell
Acklen	Barclay	Dubose	Moore of mad.	Rhodes
Ambrister	Crenshaw	Edmondson	mead	Smith of Lau.
Brown	Craig	Coe Ellis	massey	Smith of mad.
Bell	Davis of Ja.	Exum	Neill	Williams
Bradford	Dennis	Heard	Perkins	Whitfield—31

Mr. Craig then moved to amend the bill by adding thereto, at the end of the fourth section, the following proviso, to wit:—"Provided that no one person shall be entitled to more than eighty votes by proxy or otherwise; nor shall any state or corporation be permitted to vote by proxy or otherwise, more than one

hundred and twenty-five votes in any elections by the stockholders in this act authorized;" which was lost. Yeas 9—Nays 47

The yeas and nays being desired, those who voted in the affirmative are

Mr. Craig	Johnson	M'Vay of Land.	Perkins	Smith of H.—9
Coe	m'Clung	m'Vay of Law.	Parham	

Those who voted in the negative are,

Mr. Speaker	Barclay	Edwards	moore of mad.	Rhodes
Acklen	Crenshaw	Exum	moore of Jack.	Raney
Ambrister	Coopwood	Fluker	inead	Smith of Laud.
Benson	Davis of Jack.	Greening	martin	Smith of mad.
Bridges	Dale	Dennis	Heard	massey
Brown	Dupuy	Harris	Neill	Terry
Broadnax	Dubose	Jones	Pickens	Williams
Bell	Bradford	Edmondson	Lawler	Powell
Brasher	Ellis	Lewis	Ross	Whitfield—47

Mr. Coopwood then moved to amend the bill by adding thereto an additional section, numbered 19, which was adopted.

Mr. Greening then moved to add at the end of said section 19, the following proviso: "Provided, however, that in case of any forfeiture of the charter of said corporation, the said corporation shall be liable, in their corporate capacity, for all debts due from the same; and provided further, that nothing herein contained, shall exonerate the members of said corporation from liability in their individual capacity;" which was adopted.

The bill was then read a second time as amended, and ordered to a 3d reading.

Mr. Martin, a member from the county of Jefferson, obtained leave of absence from this House after to-morrow, for the remainder of this session.

Mr. Moore of mad. from the select committee to whom was referred a bill to be entitled, an act to provide for the support of paupers, reported the same with the following amendments, to wit: To strike out the word 'shall,' in the third section of the bill, and insert in lieu thereof, the words "may, if there be a poor house in their county;" and also by adding an additional seventh section to the bill. Ordered, That the House adopt said amendments so reported by the committee. Ordered, That the bill be engrossed for a third reading.

Mr. Ellis having voted in the majority yesterday, on the vote given by this House, whereby the House concurred in the amendments made by the senate to the bill to be entitled—an act to alter the times of holding the county courts of the counties of Tuscaloosa, Lawrence and Limestone, moved that the House do reconsider the said vote; which was carried. The question then recurred on the adoption of the amendments made by the Senate to said bill.

Mr. Ellis then moved to amend the proviso proposed by the senate to the second section of the bill, by adding at the end thereof the following words: "at the suit of said bank;" which was carried.

The House then adopted said proviso as amended, and concurred in the other amendments made by the Senate to said bill. Ordered, That the same be sent to the Senate for their concurrence to the amendment of this House to their proviso. And then the House adjourned till this evening, at half past 2 o'clock.

*Evening session.* The House met pursuant to adjournment.

The engrossed joint resolutions proposing certain amendments to the constitution of the state of Alabama—Mr. Moore of Jack. moved to lay them on the table, which was lost—Yeas 19, nays 34.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Dale	Lawler	martin	Rhodes
Acklen	Ellis	m'Clung	Perkins	Williams
Coe	Exum	moore of mad.	Pickens	Whitfield—19
Davis of Jack.	Fluker	moore of Jack.	Ross	

Those who voted in the negative are,

Mr. Ambrister	Brasher	Dupuy	Jones	Raney
Benson	Barclay	Dubose	Lewis	Smith of Hen.
Bridges	Crenshaw	Duke	m'Vay of Laud	Smith of mad.
Brown	Craig	Edmondson	m'Vay of Law.	Terry
Broadnax	Coopwood	Edwards	massey	Weissenger
Bell	Davis of Fr.	Harris	Parham	Walthall-34
Bradford	Dennis	Johnson	Powell	

Mr. Broadnax, who voted in the majority, and in the negative, on yesterday, in the vote given on the motion to fill the blank in the resolution with six years, moved that the house do reconsider said vote, which was carried. Mr. Davis of Fr. then moved to fill said blank with 'six years,' which was carried—Yeas 36, nays 20.

The yeas and nays being desired, those who voted in the affirmative are				
Mr. Benson	Crenshaw	Duke	Lewis	Smith of Hen.
Bridges	Craig	Coe	Edmondson	m'Vay of Land.
Brown	Coopwood	Edwards	m'Vay of Law.	Terry
Broadnax	Davis of Fr.	Heard	massey	Weissenger
Bell	Dale	Dennis	Parham	Walthall
Bradford	Dupuy	Johnson	Powell	Whitfield-36
Brasher	Dubose	Jones	Raney	

Those who voted in the negative are				
Mr. Speaker	Davis of Jack.	Lawler	Martin	Rhodes
Acklen	Ellis	McClung	Perkins	Roberts
Ambrister	Exum	more of mad.	Pickens	Smith of Lau.
Barclay	Fluker	more of Jack.	Ross	Williams-20

The question was then put, shall this resolution pass? which was determined in the negative, a constitutional majority not having voted in favor of its passage—Yeas 35, nays 22.

Those who voted in the affirmative are				
Mr. Ambrister	Brasher	Dupuy	Johnson	Powell
Benson	Barclay	Dubose	Jones	Raney
Bridges	Crenshaw	Duke	Lewis	Smith of Hen.
Brown	Craig	Edwards	m'Vay of Land	Smith of mad.
Broadnax	Coopwood	Edmondson	m'Vay of Law.	Terry
Bell	Davis of Fr.	Heard	massey	Weissenger
Bradford	Dennis	Harris	Parham	Walthall-35

Those who voted in the negative are				
Mr. Speaker	Ellis	McClung	Perkins	Smith of Lau.
Acklen	Coe	Exum	more of mad.	Pickens
Davis of Ja.	Fluker	more of Jack.	Ross	Rhodes
Dale	Lawler	Martin	Roberts	Whitfield-22

The engrossed bills of the following titles, to wit: an act more effectually to protect sheriffs, coroners and constables in the discharge of their duties; an act to authorize a more equal division of the 17th and 18th regiments of militia in the county of Tuscaloosa; an act amendatory to the laws now in force relative to attachments; an act for the relief of Daniel Coleman; an act to incorporate the Rocky Mount academy in Autauga county; and, an act to authorize John Snoddy to emancipate a certain negro slave, were severally read a third time and passed. *Ordered*, that the titles thereof be as aforesaid respectively. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill from the Senate, to be entitled an act to authorize the transfer of certain lands therein mentioned, was read a first time, and ordered to be read a second time.

The engrossed bill to be entitled an act authorizing parties litigant to

to take the depositions of witnesses residing within this state, in certain cases, was read a third time and passed—Yeas 30, nays 29.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Acklen, Ambrister, Benson, Bridges, Broadnax, Brown, Bell, Bradford, Brasher, Dennis, Dupuy, Duke, Edwards, Johnson, Jones, Lewis, McClung, Moore of Mad. Martin, Neill, Parham, Ross, Roberts, Smith of Hen. Smith of La. Smith of Mad. Sims, Terry, Weissenger, Walthall—30.

Those who voted in the negative are, Mr. Speaker, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Fr. Davis of Jack. Dale, Dubose, Edmondson, Ellis, Exum, Fluker, Heard, Harris, Lawler, Moore of Jack. M'Vay of Laud. M'Vay of Law mead, Massey, Perkins, Pickens, Powell, Rhodes, Raney, Williams, Whitfield—29.

Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The engrossed resolutions from the Senate, protesting against the exercise of implied, constructive and unconstitutional powers on the part of the federal government, and asserting the rights secured to the states respectively by the constitution of the United States, were laid on the table till to-morrow.

The engrossed bill from the Senate, to be entitled an act relative to certain officers in Fayette county, was read a second time, and ordered to be read a third time.

The resolution authorizing any member of the General Assembly to nominate any site for a state house, in addition to those reported by the joint committee appointed for that purpose—Mr. Bell moved to amend the same by adding after the words 'state house,' the words, 'in the town of Tuscaloosa; which was carried. The question was then put, shall the resolution be engrossed for a third reading? and was determined in the negative.

The bill to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Shelby to alter a certain road therein named, was read a second time; and the rule requiring bills to be read on three several days being suspended, four-fifths of the members present voting in the affirmative, the bill was considered as engrossed, and read a third time forthwith and passed.—Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The bill to be entitled an act supplementary to the several acts now in force, first passed 31st Dec. 1822, and the 24th Dec. 1824, was read a second time. Mr. Ross moved to lay the bill on the table till the first day of June next, which was lost—Yeas 15, nays 43.

The yeas and nays being desired, those who voted in the affirmative are Mr. Broadnax, Crenshaw, Coe, Davis of Jack Dale, Exum, M'Clung, Moore of Mad. M'Vay of Law. Neill, Pickens, Parham, Ross, Roberts, Smith of Hen—15.

Those who voted in the negative are, Mr. Speaker, Acklen, Ambrister, Benson, Bridges, Brown, Bell, Bradford, Brasher, Barclay, Craig, Coopwood, Davis of Fr. Dennis, Dupuy, Dubose, Duke, Edmondson, Ellis, Edwards, Fluker, Heard, Harris, Johnson, Jones, Lawler, Moore of Jack. M'Vay of Laud. mead, Martin, Massey, Perkins, Powell, Rhodes, Raney, Smith of Lau. Smith of Mad. Sims, Terry, Williams, Weissenger, Walthall, Whitfield—43.

Mr. Ross then moved to strike out 6 1-4 from the bill, and insert 4, which was lost. The bill was then ordered to be engrossed for a third reading.



The engrossed bill from the Senate, to be entitled an act to procure surveys, plans and estimates in relation to certain objects of internal improvement within this state, was laid on the table.

The engrossed bill from the Senate, to be entitled an act to establish the permanent seat of justice in Walker county, was referred to a select committee, consisting of Messrs. Perkins, Whitfield, Brown and Dupuy, to consider and report thereon.

The engrossed bill from the Senate, to be entitled an act for the relief of the legal representatives of Daniel Duval, was read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed resolutions from the Senate, providing for the purchase of certain books for the use of this state, were read a third time, and the question being put, shall they pass? was determined in the negative.

Mr. M'Vay of Land. offered the following resolution: Resolved, that this House, with the concurrence of the Senate, will on Saturday the 6th instant, at the hour of 3 o'clock p. m. go into the selection of a site on which to erect the capitol of this state, and at the same time to elect a President and twelve Directors of the Bank of the State of Alabama; which was adopted.

A message from the Senate by Mr. Lyon their secretary.

*Mr. Speaker*—I am directed by the Senate to report to your honorable body the bill entitled an act authorizing titles to the lands and town lots given to the state by the citizens of Tuscaloosa, to be made to the Governor, for the use and benefit of the state, together with the Governor's reasons for withholding his assent to the same, and to inform you that the Senate have reconsidered and passed the same by a majority of the whole number elected to that body. They have passed bills which originated in the House of Representatives, entitled an act to incorporate the Pikeville library company; an act for the relief of the securities of John Archer, deceased; an act to authorize the raising by lottery a sum of money for the purposes therein specified; an act for the relief of Charles A. Henry; an act to compensate Reuben Chapman for certain services therein mentioned; an act reducing the price of the Digest of the laws of the state of Alabama; an act to amend in part an act entitled an act for the relief of William M'Daniel, passed the 3d day of January, 1825; an act to authorize Edward Sims and his associates to open a turnpike road therein named, and have amended the same in the manner herewith shewn; and, an act appointing a mode in which the site for the state capitol shall be selected, and have amended the same by adding thereto two additional sections: in which amendments they respectfully desire your concurrence. And then he withdrew.

The engrossed bill from the Senate, to be entitled an act authorizing titles to the lands and town lots given to the state by the citizens of Tuscaloosa, to be made to the Governor, for the use and benefit of the state, was referred to the judiciary committee.

The engrossed bill to be entitled an act to authorize Edward Sims and his associates to open a turnpike road therein named—*Ordered*, that the House concur in the amendments made by the Senate to said bill by striking out '25' in the 7th line, 3d section, and inserting in lieu thereof the figure '50'; and by striking out in the same line, and same section, '18 3 4,' and inserting '25.'



The engrossed bill to be entitled an act appointing a mode in which the site for the state capitol shall be selected—*Ordered*, that the House concur in the amendment made by the Senate to said bill by adding two additional sections.

The engrossed bill to be entitled an act further to relieve insolvent debtors, and the better to secure the rights of creditors, was read a third time. Mr. Ross moved to amend the bill by way of engrossed rider, by adding in the first section, after the words 'in possession,' the words 'or value thereof in cash,' which was carried. Mr. Ellis then moved to lay the bill on the table till the first day of June next, which was lost—yeas 21, nays 33.

The yeas and nays being desired, those who voted in the affirmative are Mr. Speaker, Acklin, Ambrister, Brown, Barclay, Crenshaw, Craig, Davis of Jack, Dupuy, Ellis, Fluker, Greening, Lewis, McClung, Neill, Pickens, Ross, Rhodes, Smith of Hen. Williams, Whitfield—21.

Those who voted in the negative are, Mr. Benson, Bridges, Broadnax, Bell, Bradford, Brasher, Coe, Coopwood, Davis of Frank Dale, Dennis, Dubose, Duke, Edmonson, Edwards, Exum, Harris, Johnson, Jones, Moore of Mad. McVay of Laud. McVay of Law. Martin, Massey, Parham, Powell, Raney, Smith of Land. Smith of Mad. Sims, Terry, Weissenger, Walthall—33. The bill was then passed.

*Ordered*, that the title thereof be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned till to-morrow morning at 9 o'clock.

*Saturday morning, Jan. 6, 1827.*

The House met pursuant to adjournment.

A message from the Governor by John G. Aikin.

"Tuscaloosa, 6th Jan. 1827. *Mr. Speaker*—I am instructed by the Governor to inform the House of Representatives that he did on the 5th inst. approve and sign an act to authorize Ebenezer Byram to sell a certain tract of land on the terms and conditions therein mentioned; an act to divorce John Hamblin from Hannah Hamblin; an act to regulate the fees of certain public officers in Baldwin county; an act supplementary to an act to establish a state university; an act supplementary to an act for the government of the port and harbor of Mobile; an act to alter the mode of appointing assessors and tax collectors, and for other purposes; an act to authorize the citizens of Sommerville to elect a constable; and, an act to divorce Morgan Buck from Lavinia Buck."—And then he withdrew.

Mr. Moore of Mad. from the committee of ways and means, to whom was referred a resolution of this House instructing them to inquire and report to this House an estimate of the probable current expenses of the government of this state for the ensuing year, and how far in their opinion the taxes of the present year may be reduced so as fully to meet such current expenses, with the assistance of all the unexpended funds in the treasury. Reported as follows:

That from the best information which they have had the means of acquiring, there will be in the treasury, after defraying the expenses of the government for the last year, about

\$26,000

From this unexpended balance above mentioned, which by the present law is required to be transferred and made a part of the capital stock of the Bank of the State of Alabama, on the first day of March in each and every year, there should be de-

ducted the sum of twenty-one thousand five hundred dollars appropriated for building a state capitol, payable out of the state treasury, in lieu of that amount of the seat of government fund, which has become a part of the stock of the Bank of the State of Alabama, by the charter establishing said Bank,

21,500

Leaving a balance in the treasury of \$ 4,500  
unexpended, and which may be considered by the resolution referred to your committee as a surplus which may be set apart and applied to the current expenses of the ensuing year, say \$ 4,500

Your committee have, in obedience to the requisition of that part of the resolution requiring them to make estimates, taken as a data the amount of assessments for the year 1826, which amounts, after deducting the insolvencies and expenses of assessing and collecting, agreeably to the returns in the comptroller's office, to

89,000

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 \$93,500

From which deduct the expenses of the government for the current year, agreeably to the best estimate that can be made, which will not materially vary from the expenditures of the past year, say

67,500

Which would leave an unexpended balance in the treasury at the expiration of the year 1827, if the taxes remain as they are, of twenty-six thousand dollars.

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 \$26,000

From all which, your committee beg leave to report, that the taxes may be reduced, without detriment to the government, and greatly to the benefit of the people of this state. They therefore recommend a reduction of the taxes of the state of Alabama, the sum of twenty-six thousand dollars, by such equitable means as the wisdom of the legislature may devise.

DAVID MOORE, Chairman.

*Ordered*, that said report be laid on the table.

On motion of Mr. Walthall, the bill to be entitled an act to raise a revenue for the support of government until otherwise altered by law, was taken up from the table. Mr. Harris moved to amend the bill by striking out in the first section of the bill, after the words 'belong to,' in the second line, down to the word 'dollars,' inclusive, in the fourth line, and to insert in lieu thereof the following: 'three classes, the first quality of the first class shall be rated at twenty dollars, the second at sixteen, the third quality at twelve dollars; the first quality of the second class shall be rated at ten dollars, the second at eight, and the third at six dollars; the first quality of the third class shall be rated at five dollars per acre, the second at three, the third at two, and the fourth at one dollar per acre;' which was lost. Mr. Walthall offered the following amendment, to wit: to strike out the first and second sections of the bill, and to insert in lieu thereof the following: 'S. 1. That all lands in this state subject to taxation shall be taxed agreeably to the value thereof, to be estimated by the person giving in the same upon oath; that the sum of— cents be paid for every hundred dollars value of lands which have been paid out of the land office, or to which a complete title has been obtained by the owner; and the tax on all lands purchased of the United States shall be proportioned to the number of instalments paid by

the proprietor at the time of the assessment; and if one instalment only be paid to the government, one fourth only of the amount of tax accruing by the laws of the state on the land of the same value shall be assessed or collected, and in like proportion when a second or third instalment have been paid; which was rejected—yeas 13, nays 46.

The yeas and nays being desired, those who voted in the affirmative are  
 Mr. Benson, Bridges, Dubose, Ellis, Harris, Jones, Lawler, Mead, Ross, Raney, Smith of Hen. Terry, Walthall—13.

Those who voted in the negative are  
 Mr. Speaker, Acklen, Ambrister, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Fr. Davis of Jack. Dale, Dennis, Dupuy, Duke, Edmondson, Edwards, Exum, Flaker, Greening, Heard, Johnson, Lewis, McClung, Moore of mad. Moore of Jack. m'Vay of Lau. m'Vay of Law. Martin, Massey, Neill, Perkins, Pickens, Parham, Powell, Rhodes, Smith of La. Smith of mad. Sims, Williams, Weissenger, Whitfield—46

Mr. Weissenger moved to strike out the words 'two dollars' in the fourth line of the first section, and to insert in lieu thereof, 'one dollar and twenty-five cents,' which was carried. Mr. Weissenger moved to amend the bill by striking out in the second section, and the first line, the word 'ten,' which was lost—Yeas 12, nays 47.

The yeas and nays being desired—those who voted in the affirmative are  
 Mr. Benson      Bradford      Lewis Perkins      Smith of mad.      Weissenger  
 Benson      Bell      Jones      Smith of La.      Terry      Whitfield—12

Those who voted in the negative are  
 Mr. Speaker      Coopwood      Ellis      Moore of Jac.      Powell  
 Acklen      Davis of Fr.      Exum      m'Vay of Lau.      Ross  
 Ambrister      Davis of Ju.      Flaker      m'Vay of Law      Rhodes  
 Bridges      Dale      Greening      Mead      Raney  
 Broadnax      Dennis      Heard Harris      Martin      Roberts  
 Brasher      Dupuy      Jones      Massey      Smith of Hen.  
 Barclay      Dubose      Lawler      Neill      Sims  
 Crenshaw      Duke      McClung      Pickens      Williams  
 Craig      Coe      Edmondson      Moore of mad.      Parham      Walthall—47

Mr. Bridges moved to amend the bill by adding in the third section and second line, before the word 'town,' the word 'corporate,' which was lost. Mr. Rhodes moved to strike out in the third section and fourth line, after the word 'state,' the word 'purchased,' and insert the word 'sold,' which was carried—yeas 37, nays 20.

The yeas and nays being desired, those who voted in the affirmative are  
 Mr. Speaker      Barclay      Dennis Dupuy      Jones      Parham  
 Bridges      Crenshaw      Edmondson      Lawler      Powell  
 Brown      Craig      Coe      Edwards      m'Vay of Lau.      Rhodes  
 Broadnax      Coopwood      Exum      m'Vay of Law.      Smith of Lau.  
 Bell      Davis of Fr.      Flaker      Martin      Smith of mad.  
 Bradford      Davis of Jack.      Heard      Massey      Terry  
 Brasher      Dale      Johnson      Perkins      Weissenger 37

Those who voted in the negative are  
 Mr. Acklen      Ellis      Moore of Jack.      Raney      Williams  
 Benson      Greening      Mead      Roberts      Walthall  
 Dubose      Harris      Neill      Pickens      Smith of Hen.      Whitfield—20  
 Duke      Moore of mad.      Ross      Sims

Mr. Ross then moved to strike out of the bill in the third section and third line, the words 'twenty-five,' which was carried. Mr. McClung then moved to fill the blank thus made with the word 'twenty,' which was carried. Mr. Bridges then moved to strike out in the fifth line of



the third section, '1825' and '1826,' and insert therein respectively in lieu thereof '1826' and '1827,' in the order in which they stand; which was carried. Mr. Terry then moved to strike out in the seventh line and third section of the bill the word 'twenty,' and insert in lieu thereof the words 'twelve and a half.' A division of the question was called for, and the question was first taken on striking out 'twenty,' as proposed, which was carried—yeas 33, nays 27.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Crenshaw	Ellis	Lawler	Smith of mad.
Ambrister	Coe	Edwards	Lewis	Terry
Benson	Davis of Fr.	Exum	Perkins	Weissenger
Bridges	Davis of Jack.	Fluker	Powell	Walthall
Broadnax	Dupuy	Greening	Raney	Whitfield—33
Bell	Dale	Heard	Smith of Hen.	
Bradford	Edmondson	Johnson	Smith of La.	

Those who voted in the negative are

Mr. Acklen	Coopwood	m'Clung	mead	martin	Ross
Brown	Dennis	m'ore of mad.	massey		Rhodes
Brasher	Dubose	m'ore of La.	Neill		Roberts
Barlay	Duke	Harris	m'Vay of Land.	Pickens	Sims
Craig	Jones	m'Vay of Law.	Parham		Williams—27

Mr. M'Vay of Land. then moved to fill the blank thus made with 'twenty two,' which was lost. Mr. Crenshaw then moved to reconsider the vote just taken on the motion made by Mr. Terry, by which the word 'twenty' in the seventh line of the third section was stricken out; which was carried—yeas 32, nays 25.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Coopwood	Fluker	m'Vay of Land	Pickens	
Brown	Dale	Harris	m'Vay of Law.	Parham	
Brasher	Dennis	Jones	mead		Ross Rhodes
Barlay	Dupuy	m'Clung	martin		Roberts
Crenshaw	Dubose	m'ore of mad.	massey		Williams—32
Craig	Coe	Duke	Ellis	m'ore of Jack.	Neill

Those who voted in the negative are

Mr. Speaker	Bradford	Greening	Powell	Terry	
Ambrister	Davis of Fr.	Heard	Raney	Weissenger	
Benson	Davis of Jack	Johnson	Smith of Hen.	Walthall	
Bridges	Edmondson	Lawler	Smith of Land.	Whitfield—28	
Broadnax	Edwards	Lewis	Smith of mad.		
Bell	Exum	Perkins	Sims		

Mr. Terry then obtained leave and withdrew the amendment proposed by him, in striking out 'twenty' in the seventh line of the third section, by which the same remained as it was originally. Mr. Mead then offered the following amendment to the bill, to wit, to add after the word 'year,' in the sixth line of the third section, the following: 'and if any person vending merchandize shall fail or refuse to give in to the assessor and collector, he shall forfeit and pay the sum of one thousand dollars, to be collected before any court having jurisdiction thereof, one half to the informer, the other half to the use of the state; and it shall be the duty of the tax collector to sue for the same for the use of the state.—Mr. Mead afterwards withdrew the amendment by him offered; and Mr. Davis of Fr. then offered the same amendment. Mr. Lewis then moved to lay the amendment thus offered by Mr. Davis of Fr. on the table, which was lost—Yeas 26, nays 31.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Acklen, Bridges, Brown, Broadnax, Brasher, Barclay, Dupuy, Dubose, Duke, Exum, Fluker, Lewis, Moore of mad. Moore of Jack, Martin, Neill, Perkins, Pickens, Powell, Ross, Raney, Smith of mad. Sims, Williams, Weissenger—26.

Those who voted in the negative are, Mr. Ambrister, Benson, Bradford, Crenshaw, Craig, Coopwood, Davis of Fr. Davis of Jack Dale, Dennis, Edmondson, Ellis, Edwards, Greening, Harris, Johnson, Jones, Lawler, McLung, McVay of Laud. McVay of Law. Mead, Massey, Parham, Rhodes, Roberts, Smith of Hen. Smith of La. Terry, Walthall, Whitfield—31.

Mr. Coopwood then offered a modification of the amendment of Mr. Davis of Fr. so as to make the same read as follows: 'and if any person or persons vending merchandize shall refuse to give in a list of the amount of goods sold, on or before the first day of August annually, he or they shall forfeit and pay the sum of — hundred dollars, to be collected by the assessor and tax collector, in the same manner as other state and county taxes are collected, which amount shall be paid into the state treasury;' which was accepted by Mr. Davis of Fr. Mr. Ellis then moved to amend the amendment by striking out of said amendment all after the words 'assessor and tax collector,' last mentioned in said amendment, and substituting the following: 'by action of debt, for the use of the state, and to be paid into the state treasury, which suit shall be in the name of the assessor and tax collector;' which was lost. The amendment was then adopted. Mr. Broadnax then moved to strike out of the bill the word 'seventy' in the third section and seventh line, with a view to insert 'sixty.'

And then the House adj'd till half past two o'clock this afternoon.

*Evening Session.* The House met pursuant to adjournment.

The House resumed the consideration of a bill to be entitled an act to raise a revenue for the support of government until otherwise altered by law. Mr. Powell moved to lay the bill on the table, and to take up a bill to be entitled an act to reduce the taxes of the people of the state of Alabama. A division of the question being called for, the question was first taken on laying the bill now under consideration on the table, which was lost—Yeas 8, nays 39.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Ellis	Johnson	Raney
Dubose	Greening	Powell	Terry—8

Those who voted in the negative are

Mr. Acklen	Brasher	Dale	Dennis	Lawler	Pickens
Ambrister	Barclay	Edmondson		McLung	Rhodes
Benson	Crenshaw	Edwards		Moore of mad.	Smith of Hen.
Bridges	Craig	Fluker		Moore of Jack.	Smith of mad.
Brown	Coopwood	Heard		McVay of Laud.	Williams
Broadnax	Davis of Fr.	Harris		McVay of Law	Weissenger
Bell	Bradford	Davis of Jack.	Jones	Neill	Perkins
					Walthall—39

Mr. Broadnax then renewed his motion to strike out in the third section and seventh line of the bill the word 'seventy,' with a view to insert therein 'sixty,' which was lost. Mr. Johnson then moved to strike out in the ninth line and third section the words 'thirty-seven and a half,' and insert in lieu thereof the words 'twenty five.' A division of the question being called for, it was first taken, on the striking out the



words 'thirty-seven and a half cents,' which was carried—Yeas 47, nays 8.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Brasher	Edmondson	m'Clung	Raney
Acklen	Barclay	Ellis	moore of mad.	Roberts
Ambrister	Craig Coe	Edwards	moore of Jack.	Smith of Hen.
Benson	Coopwood	Fluker	m'Vay of Laud	Smith of Lau.
Bridges	Davis of Fr.	Greening	m'Vay of Law.	Smith of mad.
Brown	Davis of Ja.	Heard	massey	Terry
Broadnax	Dale Dennis	Johnson	Neill	Williams
Bell	Dupuy	Jones	Parham	Weissenger
Bradford	Duke	Lawler	Powell	Walthall-47

Those who voted in the negative are

Mr. Crenshaw Dubose Exum Harris Perkins Pickens Ross Rhodes 8

Mr. Roberts then moved to fill the blank thus made with the word 'fifty,' which was lost—Yeas 2, nays 53.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Pickens Roberts —2

Those who voted in the negative are,

Mr. Speaker	Barclay	Edmondson	Lawler	Ross Rhodes
Acklen	Crenshaw	Ellis	m'Clung	Raney
Ambrister	Craig Coe	Edwards	moore of mad.	Smith of Hen.
Benson	Coopwood	Exum	moore of Jack.	Smith of Lau.
Bridges	Davis of Fr.	Fluker	m'Vay of Laud	Smith of mad.
Brown	Davis of Jack	Greening	m'Vay of Law.	Terry
Broadnax	Dale Dennis	Heard	massey	Williams
Bell	Dupuy	Harris	Neill Perkins	Weissenger
Bradford	Dubose	Johnson	Parham	Walthall-53
Brasher	Duke	Jones	Powell	

Mr. Williams then moved to strike out of the bill, in the eighth and ninth line, the words 'for all free white males above the age of twenty-one years,' which was lost—Yeas 26, nays 31.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Ambrister	Brasher	Dupuy	m'Vay of Law	Roberts
Benson	Coopwood	Duke	Neill	Smith of Laud.
Bridges	Davis of Fr.	Ellis	Pickens	Terry
Brown	Davis of Jack.	Edwards	Rhodes	Williams
Bradford	Dennis	Heard Jones	Raney	Walthall-26

Those who voted in the negative are

Mr. Speaker	Craig Coe	Harris	m'Vay of Laud.	Ross
Acklen	Dale Dubose	Johnson	martin	Smith of Hen.
Broadnax	Edmondson	Lawler	massey	Smith of mad.
Bell	Exum	m'Clung	Perkins	Weissenger
Barclay	Fluker	moore of mad.	Parham	Whitfield-31
Crenshaw	Greening	moore of Jack.	Powell	

Mr. Crenshaw then moved to fill the blank occasioned by striking out the words 'thirty-seven and a half,' with the words 'thirty-five,' which was lost—Yeas 7, nays 50.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Crenshaw, Edmonson, Exum, Harris, Perkins, Ross, Whitfield—7.

Those who voted in the negative are,

Mr. Speaker, Acklin, Ambrister, Benson, Bridges, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Craig, Coe, Coopwood, Davis of Frank, Davis of Jack, Dale, Dennis, Dupuy, Dubose, Duke, Ellis, Edwards, Fluker, Greening, Heard, Johnson, Jones, Lawler, m'Clung, moore of Jack, m'Vay of Laud, m'Vay of Law, martin, massey, Neill, Pickens, Parham, Powell,

Rhodes, Raney, Roberts, Smith of Hen Smith of Laud. Smith of mad. Terry, Williams, Weissenger, Walthall—50.

Mr. Craig then moved to fill the blank with the words 'thirty-one and a quarter,' which was lost—Yeas 3, nays 46.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Broadnax	Craig	Dale	Exum	Harris	martin	Ross
Bell	Crenshaw	Edmondson	Lewis	Perkins		Whitfield—18

Those who voted in the negative are,

Mr. Speaker	Coe	Edwards	moore of Jack.	Raney
Acklen	Coopwood	Fluker	m'Vay of Laud	Roberts
Ambrister	Davis of Fr	Greening	m'Vay of Law	Smith of Hen.
Benson	Davis of Jack.	Heard	mead massey	Smith of Laud.
Bridges	Dennis	Johnson	Neill	Smith of mad.
Brown	Dupuy	Jones	Pickens	Terry
Bradford	Dubose	Lawler	Parham	Williams
Brasher	Duke	m'Clung	Powell	Weissenger
Barclay	Ellis	moore of mad.	Rhodes	Walthall—46

Mr. Crenshaw then moved to fill the blank in the bill with the word 'thirty,' which was lost. Mr. Weissenger then moved to fill the blank with 'twenty five,' which was carried. Mr. Weissenger then moved to reconsider a vote given this afternoon, on a motion made by Mr. Broadnax to strike out the word 'seventy' in the seventh line and third section of the bill, he having voted in the majority, which was carried—Yeas 36, nays 23.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker, Ambrister, Bridges, Benson, Brown, Broadnax, Bradford, Barclay, Craig, Coopwood, Davis of Fr, Davis of Jack, Dale, Dennis, Dupuy, Dubose, Duke, Edmondson, Edwards, Fluker, Greening, Johnson, Jones, Lawler, Lewis, massey, Pickens, Rhodes, Raney, Roberts, Smith of Hen, Smith of Laud, Terry, Weissenger, Walthall, Whitfield—36.

Those who voted in the negative are,

Mr. Acklen, Bell, Brasher, Crenshaw, Coe, Ellis, Exum, Heard, Harris, m'Clung, moore of mad, moore of Jack, m'Vay of Laud, m'Vay of Law, mead, martin, Neill, Perkins, Parham, Powell, Ross, Smith of mad, Williams—23.

Mr. Weissenger then moved to strike out the word 'seventy,' in the seventh line of the third section, which was carried—Yeas 36, nays 24.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Ambrister, Benson, Bridges, Brown, Bradford, Broadnax, Barclay, Craig, Coopwood, Davis of Fr, Davis of Jack, Dale, Dennis, Dupuy, Dubose, Duke, Edmondson, Edwards, Greening, Johnson, Jones, Lawler, Lewis, massey, Pickens, Rhodes, Raney, Roberts, Smith of Hen, Smith of Laud, Sims, Terry, Weissenger, Walthall, Whitfield—36.

Those who voted in the negative are,

Mr. Acklen, Bell, Brasher, Crenshaw, Coe, Ellis, Exum, Fluker, Heard, Harris, m'Clung, moore of mad, moore of Jack, m'Vay of Laud, m'Vay of Law, mead, martin, Neill, Perkins, Parham, Powell, Ross, Smith of mad, Williams—24.

Mr. Ross then moved to fill the blank with 'sixty-five,' which was carried. Mr. Ross then moved to strike out of the bill in the 14th, 15th and 16th lines of the third section the words 'and all neat cattle which may be owned by any one citizen of this state, and for every head of neat cattle owned by any person not a citizen freeholder of this state, over twenty-five head, work oxen excepted, per head, two cents,' which was lost—Yeas 14, nays 46.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Benson, Dale, Dennis, Ellis, Edwards, Fluker, Greening, Johnson, Jones, mead, Ross, Roberts, Smith of Hen, Weissenger—14.

Those who voted in the negative are—*Mr. Speaker, Acklen, Ambrister, Bridges, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Fr. Davis of Ja. Dupuy, Dubose, Duke, Edmondson, Exam, Heard, Harris, Lawler, Lewis, m'Clung, moore of mad. moore of Jack. m'Vay of Laud m'Vay of Law. martin, massey, Neill, Perkins, Pickens, Parham, Powell, Rhodes, Raney, Smith of Laud. Smith of mad. Sims, Terry, Williams, Walthall, Whitfield—46.*

Mr. Weissenger then moved to strike out in the sixteenth line of the third section of the bill, the words 'twenty-five,' which was lost—Yeas 25, nays 33.

The yeas and nays being desired, those who voted in the affirmative are *Mr. Speaker, Benson, Bridges, Coopwood, Dubose, Ellis, Edwards, Fluker, Greening, Harris, Johnson, Jones, Lawler, mead, martin, Neill, Perkins, Pickens, Ross, Raney, Roberts, Smith of Hen. Sims, Weissenger, Walthall—25.*

Those who voted in the negative are—*Mr. Acklen, Ambrister, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Davis of Frank. Davis of Jack. Dupuy, Duke, Edmondson, Exam, Heard, Lewis, m'Clung, moore of mad. moore of Jack. m'Vay of Laud. m'Vay of Law. massey, Parham, Powell, Rhodes, Smith of Lau. Smith of mad. Terry, Williams, Whitfield—33.*

Mr. Greening then moved to strike out in the third section and sixteenth line of the bill, the word 'two,' which was carried—Yeas 30, nays 29.

The yeas and nays being desired, those who voted in the affirmative are, *Mr. Speaker, Ambrister, Benson, Brown, Broadnax, Barclay, Coopwood, Duke, Ellis, Dupuy, Dubose, Ellis, Edwards, Fluker, Greening, Harris, Johnson, Jones, Lewis, moore of Jack. m'Vay of Law. mead, martin, Ross, Raney, Roberts, Smith of Hen. Terry, Weissenger, Walthall—30.*

Those who voted in the negative are, *Mr. Acklen, Bridges, Bell, Bradford, Brasher, Crenshaw, Craig, Coe, Davis of Fr. Davis of Ja. Duke, Edmondson, Exam, Heard, Lawler, m'Clung, moore of mad. m'Vay of Laud. massey, Perkins, Pickens, Parham, Powell, Rhodes, Smith of Laud. Smith of mad. Sims, Williams, Whitfield—29.*

Mr. Exam then moved to fill the blank with 'one and three quarters,' which was lost. Mr. Davis of F. then moved to fill the blank with 'one and a half,' which was carried. Mr. Smith of mad. then moved to strike out in the 12th line of the 3d section, the words 'one dollar,' and insert in lieu thereof the words 'seventy five cents,' which was lost. Mr. Terry then moved to strike out in the 21st line of the third section, the words 'one hundred,' and to insert in lieu thereof the words 'two hundred,' which was carried. Mr. Smith of mad. then moved to strike out in the 27th line of the 3d section the words 'twenty-five,' and to insert in lieu thereof the word 'fifty,' which was carried. Mr. Weissenger then moved to strike out in the 32d line of the 3d section of the bill, the words 'thirty-seven and a half,' and to insert in lieu thereof the words 'twenty five.' A division of the motion was called for, and the question was first taken on striking out 'thirty-seven and a half,' which was carried. Mr. Craig then moved to fill the blank with 'fifty cents,' which was lost. Mr. McClung then moved to fill the blank with 'forty cents,' which was lost. Mr. McClung then moved to fill the blank with 'thirty,' which was lost. Mr. Walthall then moved to fill the blank with 'twenty-five,' which was carried. Mr. Craig moved to strike out of the bill in the thirtieth line of the 3d section, the word 'fifty,' which was lost. Mr. Walthall moved to strike out in the 5th and 6th line of the 4th section the words, "and all houses of public entertainment on the roads & highways, without retailing spiritous liquors, five dollars," which was carried. Mr. Perkins offered the following amendment to be added at the end of the 4th section, "and all county monies



that may come into the hands of clerks in this state shall be paid into their respective county treasuries," which was adopted. Mr. Coopwood moved to amend the bill by adding after the word 'corporate,' in the 3d line of the 5th section of the bill, the words, 'and on all shares held by any citizen of this state in the bank of the United States,' which was carried. Mr. Bridges moved to strike out in the 3d line of the 3d section, the words 'twenty five,' and to insert in lieu thereof the word 'twenty.' A division of the proposition was called for, and the question was first put on striking out 'twenty-five,' which was lost. Mr. Terry moved to amend the bill by adding after the word 'banks,' in the 4th line of the 5th section the words 'chartered by this state or the Alabama territory,' which was carried. Mr. Walthall then moved to strike out the following words in the 5th line and fourth section, "without keeping accommodations for man and horse;" which was carried. Mr. Terry moved to strike out in the 5th line and 15th section, the words 'two thousand dollars,' and insert in lieu thereof 'four thousand;' which was carried. Mr. Duke moved to add the following proviso at the end of the 15th section: "Provided, that if any person or persons shall remove property liable to taxation within the limits of this state, previously to the 1st day of March in each and every year, such property shall not be liable to taxation, if the owner or owners of such property can produce a receipt to the assessor, showing that taxes have been paid on the same in the state from which the property may have been removed for the same year;" which was carried. Mr. Terry moved to amend the bill by adding thereto an additional seventeenth section. Mr. Smith of Land moved to amend the amendment of Mr. Terry, by inserting after the word 'property,' the words 'on application;' which was carried. Yeas 43—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Coe	Edmondson	m'Vay of Land	Smith of Hen.
Ambrister	Coopwood	Ellis	m'Vay of Law.	Smith of Lau.
Brown	Davis of Fr.	Exum	mead	Smith of mad.
Broadnax	Davis of Ja.	Fluker	martin	Sims
Bell	Dale	Heard	Perkins	Williams
Bradford	Dennis	Harris	Pickens	Walthall
Brasher	Dupuy	Jones	Parham	Whitfield—43
Barclay	Dubose	m'Clung	Ross	
Craig	Duke	moore of mad.	Rhodes	

Those who voted in the negative are

Mr. Speaker	Edwards	Lawler	Neill	Terry
Bridges	Greening	moore of Jac.	Raney	Weissinger—14
Crenshaw	Johnson	massery	Roberts	

The amendment offered by Mr. Terry, as amended, was then adopted. Mr. McClung then offered the following amendment, to be added to the 16th section, at the end thereof, 'and for every failure on his part to require oath to be made, as required by this section, he shall forfeit and pay the sum of twenty dollars, one half for the use of any person suing for the same, and the other half for the use of the state;' which was adopted. Mr. Harris then moved to strike out the words 'twenty-five cents,' at the end of the 3d section, and insert in lieu thereof 'one dollar;' which was carried. Mr. Exum moved to reconsider the vote taken this day, on striking out the words 'twenty-five head,' in the 16th line and 3d section of the bill, which was lost. Mr. Roberts moved to reconsider the vote taken this day, on the proposition to strike out in the 7th line of the 3d section the word 'twenty,' which was lost. Mr. Ross offered an additional section to the bill, numbered eighteen, which was adopted. The bill was then ordered to be engrossed for a third reading.

Mr. Acklen then moved that the house adjourn till Monday morning at half past 9 o'clock, which was lost. Yeas 17—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Barclay	Dupuy	Dubose	Heard	Ross
Ambrister	Coe	Edmondson	m'Clung	Williams	
Brasher	Davis of Jack.	Ellis	Exum	m'Vay of Law.	Whitfield-17

Those who voted in the negative are

Mr. Speaker	Coopwood	Johnson	Massey	Roberts
Benson	Davis of Fr.	Lawler	Neill	Smith of H.
Bridges	Dale	Dennis	Lewis	Smith of Land.
Brown	Duke	Edwards	moore of mad.	Smith of mad.
Broadnax	Floker	moore of Jack	Parham	Sims
Bell	Greening	m'Vay of Land	Powell	Terry
Bradford	Harris	mead	Rhodes	Weissinger
Crenshaw	Jones	martin	Raney	Walthall-42

Rhodes, a member from the county of Morgan, obtained leave of absence after to night, for the remainder of this session.

Mr. Dubose, a member from the county of Clarke, obtained leave of absence after to night, for the remainder of this session.

Mr. Greening moved to reconsider the vote taken on yesterday, on concurring with the senate in the amendments made by them to the bill which originated in this house, entitled, an act providing a mode in which the site for the state capitol shall be selected; he having voted with the majority in said concurrence; which was carried. Yeas 32—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker	Coopwood	Johnson	Perkins	Smith of Land.
Benson	Davis of Fr.	Jones	Pickens	Smith of mad.
Bridges	Dale	Dennis	Lawler	Lewis
Broadnax	Dubose	moore of Jack.	Rhodes	Ross
Crenshaw	Edwards	mead	Roberts	Terry
Craig	Greening	Neill	Smith of Hen.	Weissinger

Those who voted in the negative are

Mr. Acklen	Barclay	Coe	Ellis	m'Clung	Powell
Ambrister	Davis of Ja.	Exum	moore of mad.	Raney	
Brown	Bell	Dupuy	Floker	m'Vay of Land.	Sims
Bradford	Duke	Heard	m'Vay of Law.	Williams	
Brasher	Edmondson	Harris	martin	Whitfield-27	

And then the House adjourned till Monday morning at 9 o'clock.

Monday morning, Jan 8th, 1827.

The House met pursuant to adjournment. Mr. Perkins, from the select committee, to whom was referred a bill from the Senate, entitled, an act to establish the permanent seat of justice in Walker county, reported the same without amendment. The bill was then read a second time, and ordered to be read a 3d time.

Mr. Perkins, from the select committee, to whom was referred a bill to be entitled, an act to authorize Joseph Burleson and his associates to turnpike a certain road therein named, reported the same without amendment. The bill was then read a second time, and ordered to be engrossed for a third reading.

A message from the Senate by Mr. Lyon, their secretary: Mr. Speaker—The Senate concur in the amendments made by your honorable body to their amendment to the bill entitled, an act to alter the times of holding the county courts in the counties of Tuscaloosa, Lawrence and Limestone. They have passed resolutions instructing our senators, and requesting our representatives in Congress, to use their endeavors to procure an equal extension of the national judiciary system to the western and southwestern states of the union; also, a resolution authorizing the governor to offer the university lands in Shelby and Bibb counties for sale, on the 3d Monday in February next, which originated in their House, and in which they desire your concurrence.

They have also passed bills which originated in the house of representatives of the following titles, to wit: an act to make compensation to the commissioners to close the unsettled accounts between this state and Mississippi, and for other



purposes: an act amendatory to an act passed on the 14th of January, 1826, entitled, an act to authorize William H. Ragsdale and his associates, to turnpike a road therein specified, and have amended the same by filling the blank in the 1st section thereof with the word 'five;' an act making appropriations for the year 1827, and have amended the same by adding thereto an additional section: an act to amend an act to establish the bank of the state of Alabama, approved Dec'r. 20th, 1823, and have amended the same by filling the blank in the 3d section of the bill, where it relates to the salary of the clerk of the bank, with 'eight hundred dollars;' also by adding the accompanying proviso, to the end of the third section, and by striking out the proviso from the end of the 4th section of the bill; in which several amendments they desire your concurrence.

I am directed to communicate to your honorable body the accompanying report of a select committee of the senate, to which was referred a plan of the state capitol, marked No. 1; and also, the plan of the said capitol, marked No. 2; and to inform you that the said report has been concurred in, and the plan herewith communicated of the state capitol adopted by the Senate; in which they respectfully desire your concurrence—and then he withdrew.

Mr. Greening, from the committee on the state bank, made a report to the House, which was read with closed doors—and concurred in.

Mr. Coopwood obtained leave to introduce a joint resolution to remove the injunction of secrecy imposed on the joint committee appointed to examine the state bank, which was read a first time; and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and on motion of Mr. Powell, the resolution was then taken as engrossed, and read a third time and passed. Ordered, That the title be as aforesaid. Ordered, That the same be sent to the senate for their concurrence.

Ordered, That the doors of the House be opened.

Mr. Raney offered the following preamble and resolution:—We, the members of the General Assembly of the State of Alabama, believe that General Andrew Jackson is well qualified to discharge the duties of the highest office within the power of a grateful country to bestow; and that he is a patriot and statesman above the reach of corruption:

*Resolved*, Therefore, by the members of the House of Representatives of the State of Alabama, that it is their intention to support him at the next Presidential election for that important office, by every honorable means in their power.

Mr. Ellis offered to amend the preamble, after the word Alabama, by inserting, "whose names are herunto subscribed," which was lost. Yeas 17—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Bridges	Edwards	Johnson	Pickens	Williams
Crenshaw	Greening	Jones	Smith of La.	Weissenger
Dennis	Ellis	Heard	Perkins	Sims
				Walthall—17

Those who voted in the negative are

Mr. Speaker	Barclay	Duke	moore of mad.	Powell
Acklen	Craig	Coe	Edmondson	moore of Ja.
Ambrister	Coopwood	Exum	m'Vay of Laud.	Rhodes
Benson	Davis of Fr.	Fluker	m'Vay of Law.	Roberts
Brown	Davis of Jack.	Harris	mead	Smith of Hen.
Broadnax	Dale	Lawler	massey	Smith of mad.
Bell	Bradford	Dupuy	Lewis	Neill
Brasher	Dubose	m'Clung	Parham	Terry
				Whitfield—43

And the question being put, shall this resolution pass? it was determined in the affirmative. Yeas 43—Nays 10.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Brown	Brasher	Coopwood	Dennis
Acklen	Broadnax	Barclay	Davis of Fr.	Dupuy
Ambrister	Bell	Craig	Davis of Jack.	Dubose
Benson	Bradford	Coe	Dale	Duke

Edmondson	Lawler	m'Vay of Law.	Powell	Smith of mad.
Exum	Lewis	mead	Ross	Sims
Fluker	m'Clung	massey	Rhodes	Terry
Greening	moore of mad.	Neill	Raney	Whitfield-48
Heard	moore of Jack.	Pickens	Roberts	
Harris	m'Vay of Laud.	Parham	Smith of Hen.	

Those who voted in the negative are

mr Crenshaw	Ellis	Jones	Perkins	Weissenger
Edwards	Johnson	martin	Williams	Walthall-10

A message from the senate by mr. Lyon, their secretary—Mr. Speaker: The senate have adopted the following resolution, in which they desire the concurrence of your honorable body, viz: 'Resolved, by the senate, with the concurrence of the house of representatives, that the two houses will proceed this day at 3 o'clock, p. m. to elect a president and board of directors of the bank of the state of Alabama'

They have read three several times and passed a 'resolution to remove the injunction of secrecy imposed on the joint committee appointed to examine the state bank, which originated the house of representatives' They have passed bills which originated in your house, entitled—an act to define the boundary line between Shelby and Autauga counties—and, an act to incorporate the Alabama and Tennessee canal company; and have amended the latter in the manner herewith shewn; in which they desire your concurrence Also, an act to reduce into one the several acts concerning roads, bridges, ferries and highways, and have amended the same in the manner herewith shewn, and then he withdrew.

The engrossed bill to be entitled, an act appointing a mode in which the site for the state capital shall be selected

The question was put, shall this house concur in the amendments made by the senate to this bill, by adding thereto two additional sections, and was determined in the affirmative Yeas 30 Nays 29.

The yeas and nays being desired—those who voted in the affirmative are,

mr. Acklen	Craig	Duke	m'Clung	Powell
Ambrister	Coe	Edmondson	moore of mad.	Ross
Brown	Coopwood	Ellis	m'Vay of Laud	Raney
Bradford	Davis of Ja.	Exum	m'Vay of Law.	Smith of mad.
Brasher	Dupuy	Fluker	martin	Williams
Barclay	Dubose	Harris	Parham	Whitfield-30

Those who voted in the negative are

mr. Spraker	Dale	Jones	Neill	Smith of Lau.
Benson	Dennis	Lawler	Perkins	Sims
Bridges	Edwards	Lewis	Pickens	Terry
Broadnax	Greening	moore of Jack.	Rhodes	Weissenger
Crenshaw	Heard	mead	Roberts	Walthall-29
Davis of Fr.	Johnson	massey	Smith of Hen.	

Ordered, That the clerk acquaint the Senate therewith.

Ordered, That the House concur in the amendments made by the senate to the bill to be entitled, an act amendatory to an act passed on the 14th day of January, 1826, entitled an act, to authorize William H. Ragsdale and his associates, to turnpike a road therein specified, by filling the blank in said bill with the word 'five,' in the first section of the bill. Ordered, That the clerk acquaint the Senate therewith

Ordered, that the house concur in the amendments made by the senate to the bill entitled, an act making appropriations for the year 1827, by adding thereto an additional section numbered nine. Ordered, That the clerk acquaint the senate therewith. Ordered That the house concur in the amendments made by the senate to the bill entitled, an act to amend an act to establish the bank of the state of Alabama, approved December 20, 1823, by adding thereto the following proviso to the end of the third section—"Provided that hereafter no allowance shall

be made by the directors to the cashier, clerk or teller, unless the cashier be required to live in or adjoining the banking house, in which event rent may be allowed him by the board, according to their discretion. Yeas 30—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker	Broadnax	Dale	Lawler	Ross
Acklen	Bradford	Dupuy	m'Clung	Raney
Ambrister	Brasher	Exum	moore of mad.	Roberts
Benson	Barclay	Greening	moore of Jack.	Smith of Hen.
Bridges	Crenshaw	Harris	Martin	Weissenger
Brown	Davis of Fr	Johnson	Pickens	Whitfield-30

Those who voted in the negative are,

Mr. Craig	Duke	m'Vay of Law.	Powell	Terry
Coe	Edmondson	Mead	Rhodes	Williams
Coopwood	Ellis	massey	Smith of Laud.	Walthall-23
Davis of Jack.	Jones	Neill	Smith of mad.	
Dennis	m'Vay of Laud	Perkins	Sims	

Ordered, That the house concur in the amendments made to the bill by filling the blank relating to the salary of the clerk with "eight hundred dollars," and also by striking out of the bill the proviso at the end of the fourth section. Ordered, That the clerk acquaint the senate therewith. Ordered, That a report of a select committee of the senate, to which was referred a plan of the state capitol, marked no. 1, and also the plan of said capitol, marked no. 2, together with the accompanying plan received from the senate be laid on the table. Ordered, That the house concur in the resolution of the senate, proposing to go into the election of a president and board of directors of the bank of the state of Alabama, and have amended the same by striking out thereof "three o'clock. p. m." and inserting in lieu thereof "6 o'clock this evening." Ordered, that the clerk acquaint the Senate therewith. Ordered, That the house concur in the amendment made by the senate to the bill entitled, an act to reduce into one the several acts concerning roads, bridges, ferries and highways, by adding thereto an additional section numbered 35. Ordered, That the clerk acquaint the senate therewith. Ordered, That the house concur in the amendments made by the Senate, to the bill to be entitled an act to incorporate the Alabama and Tennessee canal Company, by inserting in the fifth section and eighth line, after the words "ton of freight," the words "or five dollars per ton burthen, on each boat or water craft not having on board at least twenty tons of freight;" also by adding after the fifth section the following: *and provided*, that the nett revenue or profits of said corporation accruing annually from the tolls to be charged and collected as aforesaid, shall not exceed twenty-five per cent per annum on the amount of money expended in making and constructing said canal and improvements, and that said corporation may so increase the tolls on boats or freights navigating said canal or improvements, or any part thereof, as to produce to said corporation a nett revenue of twelve and a half per cent. per annum from the opening of said canal;" and by adding thereto two additional sections numbered nine and ten; also by striking out of the fifth section and thirteenth line, after the word "burthen," to "winter season" in the next line and inserting the words "at all times" in lieu thereof. Ordered that the clerk acquaint the Senate therewith.

And then the House adjourned till half past two o'clock.

**Evening Session.**—The House met pursuant to adjournment.

The engrossed bills of the following titles to wit: an act for the relief of Grantland and Robinson; an act for regulating the inspection of tobacco; an act to reduce into one the several acts giving fees to justices of the peace and constables; an act to raise a revenue for the support of government until otherwise altered by law; an act to revive a certain act herein named; an act amendatory to an act entitled an act; to class and fix the price of the university lands, passed January 13th, 1826, an act to authorize Edward Calvert to sell and convey a certain land certificate; an act to authorize a levy of a county tax for the county of Cal-

ington; an act organizing the 12th regiment of militia in St. Clair county; and, an act to amend an act concerning the town of Tuscomb; also, the engrossed report of the select committee and resolutions in relation to the unsettled accounts between the states of Alabama and Mississippi; were severally read a third time and passed. Ordered, that the titles thereof be as aforesaid respectively. Ordered that the same be sent to the Senate for their concurrence.

The engrossed bill to be entitled an act to authorize Martha Brandon, administratrix of Josiah K. Brandon, deceased, to sell and convey certain town lots in Tuscaloosa, was laid on the table at Mr. Acklen's instance.

The engrossed bill to be entitled an act to alter and extend the limits of Clarke county and for other purposes, was read a third time. Mr. Edwards moved to amend the same by adding thereto the following proviso: "Provided that the boundary line shall run from Little river, the place of beginning, so as to retain in Monroe county the inhabitants and lands of sundry families that now live in the fork, to wit, Mr. James, John Darrington, William Matthewson and Seth Hunt, the owner of the salt works; which was lost. The question was then put, shall this bill pass? and determined in the affirmative—Yeas 28, Nays 24.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Crenshaw	Craig	Ellis	McVay of Law.	Raney
Ambrister	Coopwood	Fluker	massey	Smith of mad.	
Brown	Davis of Jack.	Harris	Jones	Weissenger	
Bradford	Dupuy	Lawler	Neill	Walshall	
Brasher	Dubose	Duke	McVay of Laud.	Rhodes	Whitfield—28

Those who voted in the negative are

Mr. Speaker	Barclay	Edmondson	Johnson	Smith of Hen.
Benson	Coe	Edwards	moore of mad.	Sims
Bridges	Davis of Fr.	Exum	martin	Terry
Broadnax	Dale	Greening	Pickens	Williams—24
Bell	Dennis	Heard	Parham	

Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The engrossed resolutions instructing our Senators & requesting our Representatives in Congress to use their endeavors to procure an equal extension of the national judiciary system to the western and southwestern states of the Union, were read a first time, and were ordered to a second reading.

The bill to be entitled an act to secure the possession of the site that may be selected for the state capitol, was read a second time. Mr. Perkins offered as an amendment to the bill, an additional section numbered two; which was adopted. Mr. Perkins then offered as an amendment to the bill an additional section numbered three, which was adopted. Mr. Coopwood moved to lay the bill and amendments on the table till the first day of March next, which was lost. Mr. Williams moved that the bill be referred to the Judiciary committee, which was lost. The question was then put, shall this bill be engrossed for a third reading, and was determined in the negative—Yeas 26, Nays 30.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Craig	Heard	Neill	Smith of Hen.
Benson	Davis of Fr.	Johnson	Perkins	Sims
Bridges	Dale	Dennis	Jones	Terry
Broadnax	Edwards	Lawler	Pickens	Weissenger
Crenshaw	Greening	massey	Rhodes	Walshall—26

Those who voted in the negative are

Mr. Acklen	Barclay	Duke	McClung	Parham
Ambrister	Coe	Edmondson	moore of mad.	Powell
Brown	Coopwood	Ellis	moore of Jack.	Raney
Bell	Davis of Jack.	Exum	McVay of Laud	Smith of mad.
Bradford	Dupuy	Fluker	McVay of Law	Williams
Brasher	Dubose	Harris	martin	Whitfield—30



The joint resolution from the Senate, authorizing the Governor to offer the university lands in Shelby and Bibb counties for sale on the 3d Monday in February next, was read a first time, and the rule requiring joint resolutions to be read on three several days being suspended, four-fifths of the members present voting in the affirmative, the resolution was read a second time forthwith; and the rule being further suspended as aforesaid, it was read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bills from the Senate of the following titles, to wit: an act making it the duty of the comptroller of public accounts to lay before both houses of the general assembly, annually, in the first week of its session, a fair expose of the disbursements made from the contingent fund; an act to authorize the Mobile school commissioners to raise a sum of money by lottery; an act relative to certain officers in Fayette county; an act for the relief of James W. Armstrong; an act for the relief of John McGrew; and also, the engrossed report and resolutions from the Senate in relation to the system for the disposal of the public lands, and to the unsettled land claims in this state, were severally read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill from the Senate, entitled an act to repeal an act passed at St. Stephens, 10th Feb. 1818, incorporating the St. Stephens steam boat company, was read the third time and passed—Yeas 37, nays 14.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Benson	Barclay	Ellis	McVay of Lau.	Rhodes
Bridges	Crenshaw	Fluker	McVay of Law.	Smith of Hen.
Brown	Coopwood	Greening	Martin	Smith of mad.
Broadnax	Davis of Jack.	Johnson	Mussey	Sims Perry
Bell	Dennis	Jones	Pickens	Weissenger
Bradford	Dubose	Lawler	Parham	Waithall
Brasher	Duke	Moore of Jack.	Powell	Whitfield-37

Those who voted in the negative are

Mr. Speaker	Dupuy	Heard	Moore of mad.	Raney
Ambrister	Edmondson	Harris	Neill	Williams-14
Dale	Exum	McClung	Ross	

*Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill from the Senate, to be entitled an act supplementary to the several acts heretofore passed, granting to Abraham Stout and his associates the privilege of opening a turnpike road, commencing at or near John Gandy's in Morgan county, to intersect the old Huntsville road at or near Elyton in Jefferson county; an act authorizing the transfer of certain lands therein mentioned; an act to authorize the intendant and town council of the town of Montgomery to hold their meetings in the court house of Montgomery county, were severally read a second time, and ordered to be read a third time.

The engrossed resolutions from the Senate, entitled resolutions in relation to the compensation of the quarter-master general, were laid on the table.

On motion of Mr. Ross, the engrossed joint resolutions from the Senate, instructing our senators and representatives in Congress on the subject of exchanging certain lands reserved for the use of schools in this state; also an engrossed bill from the Senate, entitled an act to emanci-

pate certain slaves therein named; and a bill to be entitled an act to aid in the improvement of the port and harbor of Mobile, were taken up from the table, and placed among the orders of the day.

The engrossed resolutions from the Senate, relative to the militia laws of this state, were read a second time. Mr. Martin moved to amend the same by inserting in the third section of the resolution, after the word 'Shelby,' the words 'and Jefferson,' which was carried. The bill was then referred to the military committee.

A bill to be entitled an act to prohibit the importation of slaves into this state for sale or hire, was read a second time, and ordered to be read a third time.

On motion of Mr. Weissenger, the engrossed resolution from the Senate, instructing our Senators and Representatives in Congress on the subject of authorizing the sale of the sections No. 16, reserved for the use of schools in this state, were taken up and placed among the orders of the day.

The engrossed bill to be entitled an act authorizing judges of the county courts to exercise additional jurisdiction in certain cases, was read a third time, and the question being put, shall this bill pass? it was determined in the negative.

The engrossed bill from the Senate, entitled an act to authorize Abraham Smith and his associates to erect a mill on Coosa river, was read a second time. Mr. Lawler moved to strike out of the second section of the bill the words 'five thousand,' and insert in lieu thereof 'five hundred,' which was carried. The bill was then ordered to be read a 3d time.

The engrossed bill to be entitled an act to pay officers for taking prisoners from one county to another in this state, was read a third time and passed—Yeas 32, nays 25.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Craig	Flaker	Mead	Smith of Hen.
Ambrister	Coopwood	Harris	Marsen	Smith of La.
Benson	Davis of Ja.	Johnson	Perkins	Smith of mad.
Broadnax	Dale Dennis	Jones	Portell	Terry
Brasher	Dubois	Lawler	Ross	Raney
Barclay	Eason	Moore of mad.	Roberts	Weissenger
				Walthall—32

Those who voted in the negative are

Mr. Acklen	Coe	Ellis	Moore of Jac.	Pickens
Bridges	Davis of Fr.	Edwards	McVay of Lau.	Parham
Brown	Bill Dupuy	Greening	McVay of Law	Sims
Bradford	Duke	Heard	Martin	Williams—25
Crenshaw	Edmondson	McClung	Neill	

And then the House adjourned till to-morrow morning 9 o'clock.

Tuesday, January 9, 1827.

The House met pursuant to adjournment at 9 o'clock.

Mr. Moore of Mad. from the committee on schools, colleges and universities, and school and university lands, to which was referred a bill to be entitled an act to increase the capital stock of the Bank of the State of Alabama, reported the same without amendment. Mr. Coopwood moved to amend the bill by adding the following in the second section after the word bank: 'except the profits of the seat of government fund paid into the treasury,' which was lost. The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr. Moore of Jack. from the committee on enrolled bills, reported,

that said committee have examined and found correctly enrolled, bills which originated in this House, of the following titles, to wit: an act for the relief of Theophilus L. Toulmin, tax collector for the county of Mobile for the year 1822; an act better to provide for leasing the 16th section therein named; an act to emancipate certain slaves therein named; an act to extend the civil and criminal jurisdiction of this state over so much of the Creek nation as was ceded under the treaty of the Indian Springs of 1825, within the chartered limits of the state of Alabama; an act to authorize the raising by lottery a sum of money for purposes therein specified; an act for the relief of Charles A. Henry; an act to amend in part an act entitled an act for the relief of Wm. M'Daniel, passed 3d of Jan. 1825; an act for the relief of the securities of John Archer, deceased; an act to divorce Mary Ducksworth from her husband Geo. Ducksworth; an act to establish a ferry and appoint commissioners to lay out a certain road therein named; an act to incorporate the Pikeville library company; an act to compensate Reuben Chapman for certain services therein named; an act reducing the price of the digest of the laws of Alabama; an act to divorce Coleman Allen from his wife Rebecca Allen; an act to authorize Edward Sims and his associates to open a turnpike road therein named; and, an act to incorporate the town of Russelville in the state of Alabama.

Engrossed bill from the Senate, entitled an act to establish a road from Elyton to Montevallo, was, on its second reading, referred to a select committee, consisting of Messrs. Brown, Dupuy and Lawler.

Mr. Perkins presented several accounts of the door-keeper of this house for fuel, stationery, &c.; which were severally read, and referred to the committee on accounts.

Mr. Crenshaw obtained leave to introduce a bill to be entitled an act to alter the time of holding the circuit courts in the second and sixth judicial circuits of this state; which was read a first time; and the rule requiring bills to be read on three several days being suspended, four-fifths of the members present voting in the affirmative, the bill was read a second time forthwith. Mr. McClung moved to amend the caption thereof by adding 'and for other purposes,' which was adopted. The bill was then referred to the judiciary committee.

Mr. Moore of Jack. from the joint committee appointed to examine and put in nomination two or more sites, one of which may be selected as a site for a state house, &c. further reported, that said committee have agreed upon a plan for a state house, which has been reported to the Senate, and thence communicated to this House; and begged leave to be discharged from the further consideration of that part of the duty assigned them; which was concurred in, & the committee were discharged. On motion of Mr. Crenshaw, messrs. Weissenger, Terry and Bridges were added to the judiciary committee.

Mr. Davis of Fr. from the military committee, to whom was referred so much of the Governor's message as relates to military affairs, asked leave to be discharged from the further consideration of the subject; which was not agreed to.

Mr. Davis of Fr. from the militia committee, to whom was referred the resolutions relating to the militia laws of this state, reported the same without amendment.

Mr. Brown moved to reconsider the vote given on yesterday, by which



the words 'and Jefferson' were inserted after the word 'Shelby,' he having voted in the majority outside vote; which was carried. The question then recurred on inserting the words 'and Jefferson' after the word 'Shelby,' in the last section of the resolutions, on the motion made on yesterday; and the same was lost—Yeas 15, nays 36.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Benson	Davis of Fr.	Dennis	Massey	Smith of Hen.
Breadnax	Davis of Jan.	Lawler	Perkins	Terry
Burdoy	Dale	Mead	Powell	Weissinger—15

Those who voted in the negative are

Mr. Speaker	Cassidy	Evans	Moore of mad.	Smith of Lau.
AcElen	Cox	Flaker	McVay of Laud	Smith of mad.
Ambrister	Cooper and	Greening	McVay of Law	Sims
Bridges	Dupuy	Heard	Neill	Williams
Brown E. H.	Dubose	Harris	Parham	Walthall
Bradford	Ellis	Johnson	Rhodes	Whitfield—36
Brister	Howard	Jones	Raney	

Mr. Mead moved to amend the resolution by inserting in the second section, before the word 'officers,' the word 'commissiomed,' which was carried. The resolution was then ordered to be read a third time.

A message from the Governor by J. L. Thornton, Esq. secretary of state. Jan. 5th. 1827. *Mr. Speaker*—The Governor did on the 6th inst. approve and sign the following bills, to wit: an act directing in what manner and in what courts suits may be brought against the state of Alabama; an act to incorporate the Tuscaloosa library company; and an act for improving the road leading from Blakely to the upper line of Baldwin county, by the way of Durant's; all of which originated in this House. And then he withdrew.

Mr. Davis of Fr. from the military committee, to whom was referred the communication of the Governor, bearing date the 4th of Jan. inst. reported a bill to be entitled an act concerning military courts martial; which was read a first time, and the rule requiring bills to be read on three several days being suspended, the same was read a second time forthwith; and on motion of Mr. Davis of Fr. the rule was further suspended, the bill was considered as engrossed, and was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr. Moore of Mad. offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of amending the criminal laws in this state, so as to define and fix the punishment to be inflicted on accessories after the fact, to persons convicted of manslaughter; which was adopted.

Mr. Mead offered the following resolution: *Resolved*, with the consent of the Senate, that this House will proceed this day, at 3 o'clock, to the election of a President and Directors of the Bank of the State of Alabama, and also the site for the state capitol; which was adopted.—*Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Lyon their secretary. *Mr. Speaker*—The Senate have passed bills which originated in the House of Representatives, entitled an act to require additional services to be performed by the judge of the first judicial circuit in this state; an act to establish a road from Montevallo to Greensborough; an act to incorporate the town of Pikeville; an act to exempt the members of the



hook and ladder company in the city of Mobile from militia and patrol duty, and for other purposes; an act providing for the compensation of B. B. Breeden; and, an act amendatory of the laws now in force on the subject of bail in civil cases, and have amended the latter bill by adding thereto an additional section: in which they desire your concurrence. And then he withdrew.

*Ordered*, that the House concur in the amendment made by the Senate to the bill entitled an act amendatory of the laws now in force on the subject of bail in civil cases, by adding thereto an additional section.

*Ordered*, that the clerk acquaint the Senate therewith.

Mr. Mead moved that the following members be exempted from the operation of the rule requiring them to answer to their names when the roll is called at each meeting, pursuant to a resolution of this House, to wit: Messrs. Mead, Lewis, Smith of Land. and Rhodes, on account of their necessary attendance on Mr. Bailey, a member of this House, now sick; which was carried.

Mr. Davis of Fr. from the military committee, to whom was referred the report of the quarter-master general, reported, that the military committee on the part of this House, with the military committee on the part of the Senate, in conformity to a joint resolution of both houses, requiring said committee to inquire into and report to each house the state and condition of the public arms of this state, met at the arsenal to perform that duty, and found the public arms in the situation as reported to this house by the committee. The quarter master general, in his report of the 30th December, 1826, made subsequent to the report of your committee, states, that "if the person employed to clean them had not been requested to desist, by the chairman of the military committee, who informed him that they would be distributed," would have been in good order. It is true that at the time the arms in the arsenal were examined by your committee, that a gentleman was engaged in cleaning them, and he received the instructions as stated above; but your committee believe it their duty to report the situation of the arms at the time they were examined by them: they did not conceive they were authorized to anticipate that at any future period they would be put in good order, and report accordingly. They consider it the duty of the officer who may have the public arms in charge, at all times to have them in good order. Which report was read, and laid on the table.

The engrossed bill to be entitled an act to authorize Martha Brandon, administratrix of Josiah K. Brandon, deceased, to sell and convey certain town lots in Tuscaloosa, was read a third time, the blanks filled, and the question then put, shall this bill pass? it was determined in the negative.

Mr. Acklen moved that the House reconsider the vote given on yesterday on the passage of the engrossed bill entitled an act to alter and extend the limits of Clarke county, and for other purposes, he having voted in the majority in the rejection of said bill, which was carried—

Yeas 36, nays 18.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker	Broadnax	Craig	Davis of Ja.	Exum
Acklen	Bell	Coe	Dale	Dennis
Benson	Bradford	Coopwood	Duke	Greening
Bridges	Barclay	Davis of Fr.	Edwards	Heard
				Johnson

m'Cling	mead	Parham	Rhodes	Smith of Laud.
Moore of mad.	martin	Powell	Roberts	Sims
Moore of Jack	Pickens	Ross	Smith of Hen.	Terry—36
Those who voted in the negative are				
Mr Ambrister	Dupuy	Harris	m'Vay of Law.	Walthall
Brown	Dubose	Jones	Smith of mad	Whitfield—18
Brasher	Ellis	Lawler	Williams	
Crenshaw	Fluker	m'Vay of Land.	Weissenger	

The said vote being reconsidered, the question was then put, shall this bill pass? and it was determined in the negative—yeas 24. nays 31.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Craig	Ellis	m'Vay of Laud	Williams
Ambrister	Coopwood	Fluker	m'Vay of Law.	Weissinger
Brown	Davis of Jack.	Harris	massey	Walthall
Brasher	Dubose	Jones	Raney	Whitfield—24
Crenshaw	Duke	Lawler	Roberts	

Those who voted in the negative are

Mr. Speaker	Barclay	Exum	mead	Ross
Benson	Coe	Greening	martin	Smith of Hen.
Bridges	Davis of Fr	Heard	Neill	Smith of Laud.
Broadnax	Dale	Dennis Johnson	Pickens	Smith of mad.
Bell	Dupuy	m'Cling	Parham	Sims
Bradford	Edwards	Moore of mad	Powell	Terry—31

The engrossed bills to be entitled an act to legitimate Thomas Maxwell, Jr; and an act to authorize the administrator and administratrix of George Hardwick to sell a certificate for one quarter section of land, were severally read a third time and passed. Ordered, that the titles thereof be as aforesaid respectively. Ordered, that the same be sent to the Senate for their concurrence.

The engrossed bill to be entitled an act to prohibit the importation of slaves into this state for sale or hire, was read a third time. Mr. Craig moved to lay the same on the table till the first day of July; which was lost—Yeas 19. nays 39.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Edwards	Johnson	Perkins	Smith of Hen.
Craig	Exum	Lawler	Parham	Smith of Laud.
Dale	Greening	Lewis	Ross	Williams—19
Duke	Heard	m'Vay of Law.	Roberts	

Those who voted in the negative are,

Mr. Acklen	Brasher	Ellis	mead	Smith of mad.
Ambrister	Barclay	Fluker	martin	Sims
Benson	Coe	Harris	massey	Terry
Bridges	Coopwood	Jones	Neill	Weissenger
Brown	Davis of Fr	m'Cling	Pickens	Walthall
Broadnax	Davis of Jack.	Moore of mad.	Powell	Whitfield—39
Bell	Dennis	Moore of Jack.	Rhodes	
Bradford	Dupuy	m'Vay of Laud.	Raney	

Mr. Moore of Mad. moved to amend the bill by way of engrossed rider, by inserting after the words 'among us,' the following: 'from hiring out said slaves for a term not exceeding one year,' in the second section of the bill; which was adopted. The blanks were then filled, and the bill was passed. Ordered, that the title thereof be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Moore of Jack from the committee on enrolled bills, reported as correctly enrolled, bills which originated in this House of the following

titles, to wit: an act to incorporate the Alabama and Tennessee canal company; and an act appointing a mode in which the site for the state capitol shall be selected.

Engrossed bills from the Senate of the following titles, to wit: an act to authorize Abraham Smith and his associates to erect a mill on Coosa river; an act to incorporate the Mobile marine railway and insurance company; an act authorizing the transfer of certain lands therein mentioned; an act supplementary to the several acts heretofore passed, granting to Abraham Stout and his associates the privilege of opening a turnpike road, commencing at or near John Gaudy's in Morgan county, to intersect the old Huntsville road at or near Elyton in Jefferson county, were severally read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate, entitled an act concerning the owners and keepers of mills and other water works, was read a second time, and Mr. M'Clung moved to lay the bill on the table till the first day of June next; which was carried.

A bill to be entitled an act making appropriations for certain claims against the state, was taken up. Mr. Ross moved to amend the bill by adding thereto two additional sections, which was carried. The bill was then read as amended, and ordered to be engrossed for a third reading.

A message from the Governor by James I. Thornton, secretary of state. Mr. Speaker—I am instructed by the Governor to inform you that he did on the 9th inst. approve and sign, an act appointing a mode in which a site for the state capitol shall be selected, which originated in this House. And then he withdrew.

Engrossed bill from the Senate, entitled an act providing a fund for the payment of petit jurors—Mr. Moore of Mad. moved to lay the bill on the table till the first day of June next, which was carried.

Mr. Williams, who voted in the majority, moved to reconsider a vote given this morning on the third reading of the bill entitled an act to authorize Martha Brandon, administratrix of Josiah K. Brandon, deceased, to sell and convey certain town lots in Tuscaloosa; which was carried. The bill was then read a third time, and the question being put, shall this bill pass? it was determined in the affirmative—yeas 26, nays 21.

The yeas and nays being desired, those who voted in the affirmative are—Mr. Speaker, Broadnax, Bell, Craig, Davis of Fr. Dennis, Duke, Ellis, Edwards, Exum, Fluker, Heard, Harris, Johnson, Jones, m'Vay of Laud. m'Vay of Law. martin, massey, Perkins, Ross, Raney, Smith of Hen. Sims, Williams, Weissenger—26.

Those who voted in the negative are, Mr. Acklen, Ambrister, Benson, Brown, Bradford, Brasher, Barclay, Coe, Coopwood, Davis of Jack. Greening, Lewis, m'Clung, Moore of Mad. Moore of Jack. mead, Neill, Powell, Terry, Walthall, Whitfield—21.

*Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate, entitled an act to provide for the support and better regulation of common schools, was read a first time, and ordered to be read a second time.

Engrossed bill from the Senate, entitled an act to emancipate certain slaves therein named, was read a second time, and ordered to be read a third time.



Engrossed resolutions from the Senate, instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure an extension of the national judiciary system to the western and south-western states of the union, was read a second time; and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith, and passed. Ordered, that the clerk acquaint the Senate therewith.

Engrossed bill entitled an act to establish certain election precincts therein named, was read a third time, and amended by sundry additional sections by way of engrossed riders. The bill was then passed.—Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Moore of Jack from the committee on enrolled bills, reported, that they had examined and found correctly enrolled, bills which originated in this House, of the following titles, to wit: an act making appropriations for the year 1827; and, an act to amend an act, to establish the Bank of the State of Alabama, approved Dec. 20th, 1823.

And then the House adjourned till this evening at 3 o'clock.

*Evening session, 9th Jan. 1827, 3 o'clock.*

The House met pursuant to adjournment.

Engrossed bills from the Senate of the following titles, to wit: an act to establish the permanent seat of justice in Walker county; an act to authorize the intendant and town council of the town of Montgomery to hold their meetings in the court house of Montgomery county, were severally read a third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Engrossed bills of the following titles, to wit: an act supplementary to the several acts now in force, first passed 31st December, 1822, and the second 24th December, 1824; an act concerning the 16th section herein mentioned; and, an engrossed memorial to the Congress of the United States, asking permission for the trustees of the university of the state of Alabama to select other lands in lieu of those herein described, were severally read a third time and passed. Ordered, that the titles be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Engrossed resolution from the Senate, instructing our Senators and Representatives in Congress on the subject of authorizing the sale of the sections numbered sixteen, reserved for the use of schools in this state, was read a second time. Mr. Rhodes moved that the same lie on the table till the first day of March next; which was lost—yeas 21, nays 32.

The yeas and nays being desired, those who voted in the affirmative are Mr. Acklen, Ambrister, Brown, Bell, Bradford, Craig, Cor. Davis of Jack, Dupuy, Exum, m'Clung, moore of mad, m'Vay of Law, mead, Powell, Rhodes, Smith of Lau, Smith of mad, Sims, Williams—21.

Those who voted in the negative are

Mr. Speaker, Benson, Bridges, Broadnax, Brasher, Barclay, Crenshaw, Coopwood, Davis of Fr. Dennis, Duke, Ellis, Edwards, Fluker, Harris, Johnson, Jones, Lawler, moore of Jack, m'Vay of Land, massey, Neill, Perkins, Pickens, Ross, Raney, Roberts, Smith of H. Terry, Weissenger, Walthell, Whitfield—32.

The said resolution was then ordered to be read a third time.

Engrossed bill from the Senate, entitled an act more effectually to prevent breaches of the peace, was on its second reading referred to the judiciary committee.



Engrossed joint resolution from the Senate, instructing our Senators and Representatives in Congress on the subject of exchanging certain lands reserved for the use of schools in this state. Mr. Neill moved that the further consideration thereof be postponed till the 4th of July next, which was carried—Yeas 28, nays 27.

The yeas and nays being desired, those who voted in the affirmative are—Mr. Acklen, Ambriester, Bridges, Brown, Bell, Bradford, Coe, Davis of Frank, Davis of Ja. Dennis, Dupuy, Edmondson, Exum, Flooker, Heard, Moore of Ja. m'Vay of Land, m'Vay of Law, Mead, Massey, Neill, Pickens, Ramey, Smith of Hen. Sims, Terry, Williams, Whitfield—28.

Those who voted in the negative are—Mr. Speaker, Benson, Broadnax, Brasher, Barclay, Crenshaw, Craig, Coopwood, Dale, Duke, Ellis, Edwards, Greening, Harris, Johnson, Jones, Lawler, Lewis, m'Clung, Moore of Mad. Perkins, Ross, Roberts, Smith of Lau. Smith of mad. Weissenger, Walthall—27.

A bill to be entitled an act to aid in the improvement of the port and harbor of Mobile, was read a second time. Mr. Coopwood moved to lay the same on the table till the first day of March next; which was lost—Yeas 25, nays 31.

The yeas and nays being desired, those who voted in the affirmative are—Mr. Acklen, Ambriester, Brown, Bell, Bradford, Brasher, Craig, Coe, Coopwood, Davis of Frank, Dupuy, Duke, Heard, Moore of Jack, m'Vay of Land, m'Vay of Law, Mead, Massey, Pickens, Powell, Smith of Land, Smith of mad. Williams, Walthall—25.

Those who voted in the negative are—Mr. Speaker, Benson, Bridges, Broadnax, Barclay, Crenshaw, Dale, Dennis, Edmondson, Ellis, Edwards, Exum, Flooker, Greening, Harris, Johnson, Jones, Lawler, Lewis, m'Clung, Moore of Jack, Neill, Perkins, Ross, Ramey, Roberts, Smith of Hen. Sims, Terry, Weissenger, Whitfield—31.

Mr. Ross then moved that the bill be laid on the table till to-morrow, which was carried.

The engrossed bill to be entitled an act to authorize Joseph Burleson and his associates to turnpike a road therein specified, was read a third time. Mr. Smith of Land, offered an amendment to the bill by way of engrossed rider, to insert after the words 'Byler's road,' in the 6th section of the act, the following: 'that the proprietors of Byler's road be authorized to establish a toll gate south of where the said road may intersect the same, and charge toll as is now authorized by law;' which was adopted. Mr. m'Vay of Land, then offered a proviso to be added at the end of the bill by way of engrossed rider, as follows: 'provided, that nothing in this act shall be so construed as to authorize said Burleson and his associates to keep more than one turnpike gate on each road, or in any way interfere with Byler's road;' which was adopted. The bill as amended was then passed. Ordered, that the title thereof be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The engrossed bill to be entitled an act to authorize the inhabitants of township thirteen, in range seven, in Wilcox county, to sell a sixteenth section, was read a third time, and the question being put, shall this bill pass? it was determined in the negative.

The engrossed bill to be entitled an act to provide for the support of paupers, was read a third time. Mr. m'Vay of Land, offered the following amendment to the bill by way of engrossed rider, at the end of the bill: 'provided, that nothing in this act shall be so construed as to

relate to Lauderdale or Lawrence counties; which was rejected. The question was then put, shall this bill pass? and it was determined in the affirmative—Yeas 39, nays 17.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Acklen, Ambrister, Broadnax, Bell, Bradford, Brasher, Coe, Dale, Dennis, Duke, Edmondson, Ellis, Edwards, Exum, Fluker, Greening, Heard, Harris, Johnson, Jones, Lawler, m'Clung, moore of mad. moore of Ja. mead, massey, Neill, Perkins, Pickens, Powell, Ross, Raney, Smith of Hen. Smith of mad. Sims, Terry, Williams, Walthall—39.

Those who voted in the negative are—Mr. Benson, Bridges, Brown, Barclay, Crenshaw, Craig, Coopwood, Davis of Fr. Davis of Ja. Dupuy, Lewis, m'Vay of Laud. m'Vay of Law. Roberts, Smith of Laud. Weissenger, Whitfield—17.

Ordered, that the title thereof be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The engrossed bill to be entitled an act to compel solicitors to reside in their respective circuits—Mr. Bridges moved to lay the same on the table, which was carried.

The engrossed bill from the Senate, to be entitled an act to incorporate the mobile and its canal company, was read a third time, and laid on the table till to-morrow.

And then the House adjourned till to-morrow morning 9 o'clock.

*Wednesday morning, Jan. 10th, 1827.*

The House met pursuant to adjournment at 9 o'clock.

A message from the Governor by J. L. Thornton, secretary of state.

Mr. Speaker—The Governor did on the 9th inst. approve and sign the following bills: an act to amend an act to establish the Bank of the State of Alabama, approved Dec. 20th, 1823; and, an act making appropriations for the year eighteen hundred and twenty-seven: both of which originated in this House. And then he withdrew.

Mr. Rhodes offered the following resolution: *Resolved*, that the two Houses of the General Assembly, with the concurrence of the Senate, will assemble in the Hall of the House of Representatives, at the hour of 12 o'clock, for the purpose of selecting a site for the state capitol, and a President and twelve Directors of the Bank of the State of Alabama.—Mr. Crenshaw moved to amend the resolution by striking out '12 o'clock, and inserting in lieu thereof, '6 o'clock this evening.' A division of the motion being called for, the question was first put on striking out 12 o'clock, which was lost.

The resolution was then adopted. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Ross offered the following resolution: *Resolved*, that the citizens of Tuscaloosa have the use of this Hall this evening at 6 o'clock, for the purpose of preparing a supper table in commemoration of the glorious victory achieved at New-Orleans the 8th of January, 1815; which was adopted—Yeas 42, nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr. Speaker, Acklen, Ambrister, Benson, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Craig, Coe, Davis of Frank. Davis of Jack. Dale, Dupuy, Edmondson, Ellis, Edwards, Exum, Greening, Heard, Harris, Johnson, m'Clung, moore of Jack. m'Vay of Laud. massey, Neill, Perkins, Parham, Powell, Ross, Raney, Smith of Hen. Smith of Laud. Smith of mad. Sims, Terry, Williams, Walthall, Whitfield—42.

Those who voted in the negative are—Mr. Bridges, Crenshaw, Coopwood, Dennis, Duke, Fluker, Jones, m'Vay of Law. Pickens, Weissenger—10.

Mr. Bridges, from the committee on enrolled bills, reported, that the said committee had examined and found to be correctly enrolled, bills which originated in this House, of the following titles, to wit: an act to incorporate the Cahawba navigation company; an act for the relief of the legal representatives of Daniel Duval; and, an act explanatory of an act, entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31st, 1822.

Mr. Brown, from the select committee to whom was referred a bill to be entitled an act to establish a road from Elyton to Montevallo, reported the same with the following amendments, to wit: Strike out of the 5th section, from the word 'erected,' to the word 'aforesaid,' inclusive, and insert the following: 'on the east side of the Cahawba river, nor within eight miles of the town of Elyton.' Strike out 'seventy-five,' and insert 'thirty-seven and a half' cents. Strike out 'thirty-seven and a half,' and insert 'eighteen and three-fourths.' Strike out 'twelve and a half,' and insert 'six and a fourth.' Strike out 'six and a fourth,' and insert 'three.' Strike out 'four,' and insert 'two.' Ordered, that said report be concurred in, and amendments adopted.

Mr. Ross, from the committee on accounts, to whom was referred the claim of William Holbrook, jailor of Autauga county, claiming compensation for the sustenance of prisoners committed to his charge for crimes against the state, reported, that the committee had examined said claim with the accompanying documents, and that the same is not authenticated in the manner prescribed by law, and ought not to be allowed; and asked leave to be discharged from the further consideration of the subject. Ordered, that said report be concurred in.

Mr. Moore of Jack from the committee on the state bank, to which was referred a bill to be entitled an act to repeal all that part of the charter of the bank of the state of Alabama that relates to secrecy; reported, that it was in their opinion inexpedient to pass such a law. Mr. McVay of Laud. moved that the House disagree to said report, which was lost. Ordered that said report be concurred in.

Mr. Moore of Jack. from the committee on the state bank, to whom was referred the petition of the citizens of Montgomery and adjacent counties, asking the establishment of a branch of the bank of the state of Alabama, in the town of Montgomery, reported, that in their opinion the prayer of said petitioners ought not to be granted at this time. Ordered, that this House concur in said report.

Mr. Moore of Jack. from the committee on the state bank, to whom was referred a resolution instructing said committee to inquire into the expediency of passing a law compelling the incorporated banks of this state to make an exhibit within the first week of every session of the Legislature, the amount of bills issued, of deposits, and cash on hand, reported, that however desirable such information may be, the legislature of this state has not the power of compelling said banks to make such exhibit, and therefore asked leave to be discharged from the further consideration thereof. Mr. Greening moved that said report be laid on the table, which was carried.

The engrossed Joint resolutions approving the amendment proposed by the state of Tennessee to the constitution of the United States, was taken up from the table, and again laid on the table for the present.

Mr. Greening moved that the engrossed joint resolutions from the Senate requiring the banks of Mobile and Tombeekbe to report their situation to the General Assembly, be taken up from the table, and put among the orders of the day; which was carried.

A message from the Senate by Mr. Lyon their secretary.—Mr. Speaker, the Senate have passed bills which originated in the House of Representatives, enti-



passed an act to incorporate the Rocky Mount Academy in Autauga county; an act to authorize the Judge of the county court and commissioners of roads and revenue of the county of Shelby, to alter a certain road therein named; an act to repeal in part an act entitled an act to appoint commissioners to lay out two roads leading from the ford on Line creek, the one to Coffeeville, the other to Tuscaloosa, passed Dec. 31st, 1822. They concur in the resolution of your hon. body, proposing that the members of the two Houses of the General Assembly will convene in the Representative Hall on this day at 12 o'clock for the purpose of selecting a site for the state capitol pursuant to the provisions of an act appointing a mode in which the site for the state capitol shall be selected, also a President and board of Directors of the Bank of the State of Alabama for the ensuing year. And then he withdrew.

The engrossed joint resolutions requiring the banks of Mobile and Tombecbe to report their situation to the General Assembly, was read a third time. Mr. Greening moved to amend the resolutions by adding thereto the following proviso, at the end: provided, that all notes of said banks that may have been collected on or before the last day of the next session of the General Assembly by any tax collector in this state shall be received into the state treasury, if said banks are in the habit of redeeming their notes with specie at the time they are received by the tax collectors. Mr. Craig then moved that the resolutions and amendment be laid on the table till the first day of July next, which was lost—Yeas 24, Nays 31.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Craig	Jones	Perkins	Smith of mad.
Bridges	Coe	Lawler	Pickens	Sims
Broadnax	Dale	m'Clung	Ross	Terry
Barclay	Ellis	mead	Raney	Walthall-24
Crenshaw	Harris	Neill	Smith of Hen.	

Those who voted in the negative are

Mr. Acklen	Campwood	Edmondson	Johnson	Parham
Ambrister	Davis of Fr.	Edwards	Moore of mad.	Powell
Benson	Davis et Jack.	Exam	more of Ja.	Rhodes
Brown	Dennis	Fluker	m'Vay of Land	Smith of Land.
Bell	Bradford Dapty	Greening	m'Vay of Law.	Williams
Brasher	Duke	Heard	massey	Weissenger 31

The amendment offered by Mr. Greening was then adopted.

Mr. Johnson moved to amend the resolutions by inserting in the first section after the words "first week thereof" the words, or "within twenty days thereafter," which was lost. The question was then put, shall those resolutions pass? and it was determined in the negative—Yeas 26, Nays, 28.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Acklen	Bradford	Dennis	Duke	Johnson	Parham
Ambrister	Brasher	Edmondson		moore of Jack.	Powell
Benson	Campwood	Exam		m'Vay of Land.	Rhodes
Brown	Davis of Fr.	Greening		m'Vay of Law.	Smith of Land.
Bell	Davis of Jack.	Heard		massey	Weissenger 26

Those who voted in the negative are.

Mr. Speaker	Craig	Coe	Lawler	Perkins	Smith of mad.
Bridges	Dale	Ellis	Lewis	Pickens	Sims
Broadnax	Fluker		m'Clung	Ross	Terry
Barclay	Harris		moore of mad.	Raney	Williams
Crenshaw	Jones		mead	Neill	Smith of Hen.
					Walthall-28

Mr. Terry moved that the report of the committee on the part of the House, appointed to act with the committee appointed on behalf of the Senate to examine into the situation of the Bank of the State of Alabama, which report was made to this House on the 8th inst. with closed doors, be spread on the journals of this House; which was carried. Said report is as follows, to wit.



The joint committee, appointed by both branches of the General Assembly, to examine into the situation and condition of the bank of the state of Alabama, respectfully REPORT—

That the paper hereunto annexed, marked (A.) is an expose of the situation and condition of the Bank up to the 11<sup>th</sup> December, 1826, at which time the examination of the books of the bank, so far as they are connected with the funds of the institution, was completed. The paper marked (B) presents the nett profits of the bank, after deducting the interests and dividends on the different funds constituting the capital stock, as well as the expenses of the bank. On the 11<sup>th</sup> December, as appears by the statement marked (A) the amount due to the bank in notes discounted to individuals, was five hundred and twenty two thousand one hundred and eighty four dollars (\$522,184 00.) All means within reach of the committee, were employed to ascertain the situation of the debtors to the bank; and they have not discovered that any loss will be sustained from the debts due. Nearly the whole of this sum has been discounted to individuals that are considered perfectly good; an inconsiderable sum is believed to be doubtful; but from every information, they are of opinion that little or no loss will be sustained.

In the discharge of the various duties devolving on the committee, their report has been greatly delayed; this delay, however, enables them to present the condition of the bank on the 6<sup>th</sup> inst. as appears by the paper hereunto annexed, marked (C). This statement is made out by the Cashier, and implicit confidence may be placed in it. By referring to the papers marked (A) and (C) it will be perceived that the condition of the bank has greatly improved since the 11<sup>th</sup> of December. This improvement is the practical result of the system, upon which the bank has been organized. The debts due on accommodation paper, have been diminished one hundred and forty seven thousand six hundred and seventy-five dollars, (\$147,675 00;) while the available funds of the institution have been increased one hundred and sixty-eight thousand five hundred and fifty-nine dollars and sixty-seven and one fourth cents, (\$168,559 67 1-4) by the purchase of bills of exchange, and by the paper of other banks paid in; and still the circulating paper of this bank has been diminished three thousand four hundred and fifty-two dollars, (\$3,452). It may be proper here to say something in relation to the means of the bank to redeem its paper now in circulation. The paper marked (C) shews that the bank is liable for the sum of three hundred and ninety-eight thousand two hundred and seven dollars and seventy-three and a half cents, (\$398,207 73 1-2) including the debts due to other banks, to individual depositors, and its notes in circulation. The amount of cash on hand, including specie, notes of other banks, and bills of exchange, is three hundred and seventy-three thousand, three hundred and seventy-four dollars, and sixty-eight and a fourth cents, (\$373,374 68 1-4 cts.) The notes of other banks now on hand, and the bills of exchange may be converted into specie if necessary; and thus the bank is enabled to discharge the debts due from it, and redeem its paper at any time. Of the debts due from the bank the deposit account forms a considerable item. The paper hereunto annexed, marked (D) will show the character of these deposits, and that they have been carried principally to the credit of the state, or are intended for the payment of debts due to the bank. From this view it must be apparent that this bank is able to meet any demand against it, and continues to deserve the public confidence.

The prosperity of this institution is inseparably connected with the financial prosperity of the state. To sustain its present prosperity, the committee have thought proper to recommend to the Board of Directors, the necessity of continuing the prudent management of the affairs of the bank upon correct banking principles, consistently with the provisions of the charter.

JAMES JACKSON, Chairman on the part of the senate

THOMAS CASEY, } on the part of the Senate.

GEO. S. GAINES, }

ELDRIDGE S. GREENING, Ch'n on the part of H. of R.  
 DAVID MOORE, } on the part of the House of  
 GEO. WEISSENGER, } Representatives.

(A)

*State of the Bank of the State of Alabama on the 11th day of December, 1826.*

Capital stock paid in,	\$336,778 60 1-2
Notes of this bank in circulation this day	255,987 00
Due to individual depositors	121,984 56 1-2
Due to other banks.	2,786 91
Expenses chargeable upon the institution and remaining unpaid,	1,705 45
Nett gain on the transactions of the bank up to this date, as per statement marked B, exclusive of the dividends and interest due and paid on the capital stock,	8,880 65

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\$728,113 18

Bills discounted, due this day,	\$522,184
Banking House at Cahawba, (at cost),	1,119 17
Cash on hand:	

Specie,	\$52,085 91
Notes of other solvent banks,	104,224
Bills of Exchange,	48,506
	<hr/> 204,815 01

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\$728,113 18

(B)

*Statement of the expenses incurred, and interest received, by the Bank of the State of Alabama, from the 9th day of January, 1826, to the 11th day of December, 1826, inclusive; including a balance of gain on the 9th of January last.*

To interest paid on the specie loan, of \$100,000,	\$4,349 97
To interest from 1st October, 1826, due and unpaid,	1,182 90
To interest paid on the University Fund,	4,018 30
To interest from 9th November, due and unpaid,	449 27
To dividend of 8 1-40 per cent paid on Three per cent Fund on the 9th day of November last,	5,091 00
To dividend of 8 1-40 per cent paid on seat of government fund on the 9th November last,	5,099 86
To expense account since the 9th day of January, 1826, including the sum of \$73,28, due by the institution for officers salaries, and unpaid,	3,673 64
To gain by the transactions of the bank up to the 11th day of December, 1826, exclusive of the dividends and interest as shewn above,	8,880 65

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\$32,745 59

By balance of gain on the 9th January, 1826,	\$1,629 09
By gain by discounts, premiums of bills of exchange, and interest received, from the 9th January, 1826, to the 11th December, 1826, inclusive,	31,116 50

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\$32,745 59

*An Exhibit of the state of the Bank of the State of Alabama, on the 6th day of January, 1827.*

Capital stock paid in,	\$336,773 60 1-2
Due to individual depositors account,	125,484 44
Due to other banks,	20,188 29 1-2
Notes of this bank in circulation,	255,535 00
To profit and loss, for balance,	14,021 51 1-4
	<hr/>
	\$749,002 35 1-4
	<hr/>
Bills discounted and due,	374,509 00
Banking house at Cahawba,	1,119 17
Cash. Specie on hand,	52,484 49 1-4
Notes of other solvent banks	151,301 00
Bills of Exchange on Mobile, New-Orleans, and New-York,	169,500 19
	<hr/>
	373,374 68 1-4
	<hr/>
	\$749,002 35 1-4
	<hr/>
To interest on specie loan of \$100,000. from 1st Oct last,	1,600 00
To interest on university fund from 9th Nov last	801 11
To salaries due up to date, and unpaid,	302 78
Nett gain up to this date, exclusive of dividends and interest paid and due on the capital stock.	11,317 60 1-4
	<hr/>
	\$14,021 51 1-4
	<hr/>
Gain by profit and loss, brought down,	14,021 51 1-4
	<hr/>
	\$14,021 51 1-4

Tuscaloosa, 6th Jan. 1826.

J. B. COOK, Cashier.

(D)

BANK, 6th January, 1827.

By a reference this day had to the individual accounts, composing the general account of individual depositors, the items appear as follows:

To the credit of the state Treasury,	\$68,593 93 1-2
To " " University Fund,	15,233 54
To " " Seat of Government Fund,	113 37 1-2
To " of individual accounts as partial payments on notes,	27,080 59
To " of individuals for general account & subject to check,	19,463 00

Amount of individual depositors account as reported, \$125,484 44  
J. B. COOK, Cashier.

And then the House adjourned for thirty minutes.

Noon—12 o'clock. The House met pursuant to adjournment.

Mr. Acklen offered the following resolution: *Resolved*, that the Senate be informed that this House is now ready to go into the election of a site for the erection of a state capitol, and also the election of a President and Directors for the Bank of the State of Alabama for the ensuing year, and that the east end of the Representative Hall be assigned for the purpose of their reception; which was adopted. Ordered, that the clerk acquaint the Senate therewith.

The Senate having appeared and taken the seats assigned them, the two houses proceeded to the election of a site for the location of the state capitol—the five sites reported by the joint Committee as proper places from which to make the selection, being in nomination. The titles that had been deposited with the principal clerk of the House. Representatives having been read, pursuant to the provisions of a law on that subject; the houses proceeded after said reading to vote, and, upon counting the votes, there appeared to be—For site No. 1, 3 votes; No. 2, 5; No. 3, 23; No. 4, 16; No. 5, 23.

Those who voted for site No. 1, are, Messrs. Crabb, of the Sen. Lawler and Terry of the House—3.

Those who voted for Site No. 2, are Messrs. Jackson of the Senate, Acklen, Coe, Moore Jack. and Raney of the House.

Those who voted for Site No. 3 are Mr. President, Brown, Gaines, McCamy, Meriwether, Powell, Shackleford, Skinner, of the Senate. Mr. Ambrister, Brown, Bradford, Brasher, Barclay, Davis of Jack. Dupuy, Duke, Edmondson, Ellis, Fluker, Harris, McClung, Moore of Mad. McVay of Laud. McVay of Law. Parham, Ross, Williams, Whitfield—23.

Those who voted for Site No. 4, are Messrs. Bagby, Casey of the Senate, Mr. Speaker Bell, Craig, Coopwood, Davis of Frank. Exum, Greening, Heard, Jones, Perkins, Powell, Smith of Laud. Sims, Walthall—16.

Those who voted for Site No. 5, are Messrs. Abernethy, Ash, Irwin, Jones, Miller, Sullivan of the Senate, Mr. Benson, Bridges, Broadnax, Crenshaw, Dale, Dennis, Edward Johnson, Lewis, Mead, Massey, Neill, Pickens, Rhodes, Smith of H. Smith of M. Weissinger—23.

No one Site having received a majority of all the number of votes given, Mr. Speaker declared that no election had been made; and the two Houses proceeded to vote a second time for a site for the State Capitol. Upon counting the votes given the second time there appeared to be, for Site No. 1, 1 vote, No. 2, 2; No. 3, 32; No. 4, 15; No. 5, 24.

The member who voted for Site No. 1, is Mr. Lawler.

Those who voted for Site No. 2, are Messrs. Acklen, and Moore of Jack.—2.

Those who voted for Site No. 3, are Messrs. President, Brown, Gaines, Jackson, McCamy, Meriwether, Powell, Shackleford, Skinner, of the Senate. Mr. Ambrister, Brown, Bradford, Brasher, Barclay, Coe, Davis of Jack. Dupuy, Duke, Edmondson, Ellis, Exum, Fluker, Harris, McClung, Moore of Mad. McVay of Laud. McVay of Law. Parham, Ross, Raney, Williams, Whitfield—32.

Those who voted for Site No. 4, are Messrs. Casey, Crabb, of the Senate, Mr. Speaker Bell, Craig, Coopwood, Davis of Frank. Greening, Heard, Jones, Perkins, Smith of Laud. Sims, Terry, Walthall—15.

Those who voted for Site No. 5, are Messrs. Abernethy, Ash, Irwin, Jones, Miller, Sullivan, of the Senate, Mr. Benson, Bridges, Broadnax, Crenshaw, Dale, Dennis, Edward Johnson, Lewis, Mead, Massey, Neill, Pickens, Powell, Rhodes, Smith of H. Smith of M. Weissinger—24.

No one site having received a majority of the votes given, Mr. Speaker declared that election had taken place, and the two houses proceeded to vote a third time for a site for the State Capitol. And upon counting the votes given at the third voting, there appeared to be for Site No. 1, no vote, No. 2, 1; No. 3, 34; No. 4, 35; No. 5, 5.

The member who voted for No. 2 is Mr. Moore of Jackson.

Those who voted for No. 3, are Messrs. President, Brown, Gaines, Jackson, McCamy, Meriwether, Powell, Shackleford, Skinner of the Senate, Mr. Acklen, Ambrister, Brown, Bradford, Brasher, Barclay, Coe, Davis of Jack. Dupuy, Duke, Edmondson, Ellis, Exum, Fluker, Harris, Lawler, McClung Moore of mad. McVay of Laud. McVay of La Parham, Ross, Rainey, Williams, Whitfield—34.

Those who voted for Site No. 4 are Messrs. Abernethy Bagby, Casey, Crabb, Sullivan of the Senate, Mr. Speaker, Benson, Broadnax, Bell, Crenshaw, Craig, Coopwood, Davis, Fr. Dale, Dennis, Edwards, Greening, Heard, Johnson, Jones, Lewis, Mead, Massey, Neill, Perkins, Pickens, Powell, Rhodes, Smith of Hen. Smith of La. Smith of mad. Sims, Terry, Weissinger, Walthall—35.

Those who voted for No. 5, are Messrs. Ashe, Irwin, Jones, Miller of the Senate, Bridges of the House.—5.

No one Site having received a Majority of the votes given, Mr. Speaker declared that election had been made; and thereupon the two Houses proceeded to vote a fourth time for a site for the location of the State Capitol. And upon counting the votes, there appeared to be for site No. 2, 1 vote; No. 3, 34; No. 4, 40.

The member who voted for Site No. 2, is Moore of Jackson.

Those who voted for Site No. 3, are Messrs. President, Brown, Gaines, Jackson, McCamy, Meriwether, Powell, Shackleford, Skinner of the Senate, Mr. Acklen, Ambrister, Brown, Bradford, Brasher, Barclay, Coe, Davis of Jack. Dupuy, Duke, Edmondson, Ellis



Exum, Fluitt, Harris, Lawler, McClung Moore of mad. McVay of Land. McVay of Lau. Parham, Ross, Ramey, Williams, Whitfield.—24.

Those who voted for Site number four are Messrs. Abernethie, Ash, Bagby, Casey, Crabb, Irwin, Jones, Miller, Sullivan, of the Senate, Mr. Speaker, Benson, Bridges, Broadnax, Bell, Crenshaw, Craig, Coopwood, Davis, of Frank. Dale, Dennis, Edwards, Greening, Heard, Johnson, Jones, Lewis, Mayo, Massey, Neill, Perkins, Pickett, Powell, Rhodes, Smith of H. Smith of I. and Smith of mad. Sims, Terry, Weissinger, Whitfield.—10.

The Site numbered four, consisting of Lots No. 143, 144, 145, and 146, in the town of Tuscaloosa, known as Childress' Hill, as per the report of the joint committee, having received a majority of the votes given, was declared by Mr. Speaker, to be the Site selected, whereon to locate and build the Capitol of the State of Alabama.

The two Houses then proceeded to the election of a President of the Bank of the State of Alabama, for the ensuing year. Messrs. Gilbert Saltonstall, John L. Tindall, William L. Adams, Benjamin B. Fontaine & Thomas Owen, being in nomination. There appeared to be for Mr. Saltonstall 24 votes; Tindall 17; Adams 13; Fontaine 16; Owen, 15.

Those who voted for Mr. Saltonstall are Messrs. President, Abernethie, Bagby, Brown, Casey, Jackson, Jones, Shuckler of the Senate, Mr. Brown, Craig, Dale, Dupuy, Exum, Greening, Harris, McClung, Moore of mad. Neill, Perkins, Ross, Smith of H. Smith of Land, Sims.—24.

Those who voted for Mr. Tindall are Messrs. Crabb, McClamey, Miller of the Senate, Mr. Speaker, Aikin, Broadnax, Bell, Brasher, Barclay, Coe, Dennis, Duke, Edmondson, Heard, Moore of Jack. Parham, Powell.—17.

The member who voted for Mr. Adams is Mr. Skinner.

Those who voted for Mr. Fontaine are Messrs. Ash, Irwin, Powell, of the Senate, Mr. Bridges, Crenshaw, Fluitt, Johnson, Jones, Lawler, Lewis, Pickett, Ramey, Smith of mad. Terry, Weissinger, Whitfield.—16.

Those who voted for Mr. Owen are Messrs. Merrivether, Sullivan, of the Senate, Mr. Ambriester, Benson, Bradford, Brasher, Coopwood, Davis of Frank, Davis of Jack, Ellis, McVay of Land, Massey, Rhodes, Williams, Whitfield.—15.

No one of the candidates having received a majority of the votes given, Mr. Speaker declared that no election was made, and the two Houses proceeded to vote again for President of the Bank.

The name of Mr. Adams being withdrawn, there were for Mr. Saltonstall 24 votes; Tindall 16; Fontaine 17; Owen 16.

Those who voted for Mr. Saltonstall are Messrs. President, Abernethie, Bagby, Brown, Casey, Jackson, Jones, Shuckler of the Senate, Mr. Brown, Craig, Dale, Dupuy, Exum, Greening, Harris, McClung, Moore of mad. Neill, Perkins, Ross, Smith of H. Smith of Land, Sims.—24.

Those who voted for Mr. Tindall are Messrs. Crabb, McClamey, Miller, (Senate) Mr. Speaker, Aikin, Broadnax, Bell, Barclay, Coe, Dennis, Duke, Edmondson, Heard, Moore of Jack. Parham, Powell.—17.

Those who voted for Mr. Owen are Messrs. Merrivether, Fluitt and Sullivan of the Senate, Mr. Ambriester, Benson, Bradford, Brasher, Coopwood, Davis of Frank, Davis of Jack, Ellis, McVay of Land, McVay of Law, Massey, Williams, Whitfield.—15.

Those who voted for Mr. Fontaine are Messrs. Ash, Irwin, Powell, (Senate) Bridges, Crenshaw, Fluitt, Johnson, Jones, Lawler, Lewis, Pickett, Rhodes, Ramey, Smith of mad. Terry, Weissinger, Whitfield.—17.

No one candidate having received a majority of the number of votes given, Mr. Speaker declared that no election was made, and the two Houses proceeded to vote a third time for a President of the Bank.

The same persons being in nomination—there were for Mr. Saltonstall 25 votes; Mr. Tindall 13; Mr. Owen 13; Mr. Fontaine 17.

Those who voted for Mr. Saltonstall are Messrs. Powell of the Senate, Bagby, Brown, Casey, Jackson, Jones, Shuckler of the Senate, Mr. Brown, Craig, Dale, Dennis, Edwards, Exum, Greening, Harris, McClung, Moore of mad. Neill, Perkins, Ross, Smith of H. Smith of Land, Sims.—25.

Those who voted for Mr. Tindall are Messrs. Crabb, Miller of the Senate, Mr. Speaker, Aikin, Broadnax, Bell, Barclay, Dennis, Edmondson, Heard, Moore of Jack. Parham, Powell.—13.

Those who voted for Mr. Owen are Messrs. Merrivether, Skinner, Sullivan, of the Senate; Mr. Ambriester, Benson, Bradford, Brasher, Coopwood, Davis of Frank, Davis of Jack, Duke Ellis, McVay of Land, McVay of Law, Massey, Smith of mad. Williams Whitfield.—13.

Those who voted for Mr. Fontaine are Messrs. Ash, Irwin, Powell, of the Senate; Mr. Bridges, Crenshaw, Coe, Fluitt, Johnson, Jones, Lawler, Lewis, Pickett, Rhodes, Ramey, Terry Weissinger Whitfield.—17.

No one yet having received a majority of the votes given, Mr. Speaker declared

no election was still made; and the two Houses proceeded to vote a fourth time for a President of the Bank. The same persons being in nomination, there were for Mr. Saltonstall 27 votes; Mr. Tindall 5; Mr. Owen 20; Mr. Fontaine 21.

Those who voted for Mr. Saltonstall, are Mr. President, Abercrombie, Bagby, Brown, Casey, Jackson, Jones, Shackelford of the Senate; Mr. Speaker, Brown, Barclay, Craig, Dale, Dupuy, Edwards, Exum, Greening, Harris, McClung, Moore of Mad. Mead Neill, Perkins, Ross, Smith of H. Smith of Laud. Sims—27.

Those who voted for Mr. Tindall, are Messrs. Bell, Edmondson, Heard, Moore of Jack. Powell—5.

Those who voted for Mr. Owen are Messrs. Merriwether, Skinner, Sullivan of the Senate, Acklen, Ambrister, Benson, Bradford, Coopwood, Davis of Frank. Davis of Jack. Dennis, Duke, Ellis, McVay of Laud. McVay of Law. Massey, Parham, Smith of Mad. Williams, Walthall—20.

Those who voted for Mr. Fontaine, are Messrs. Ashe, Crabb, Irwin, Miller, Powell, of the Senate, Mr. Bridges, Broadnax, Brasher, Crenshaw, Coe, Fluker, Johnson, Jones, Lawler, Lewis, Pickens, Rhodes, Roney, Terry, Weissenger, Whitfield—11.

No one candidate having yet received a majority, Mr. Speaker declared none to be elected, and the two Houses proceeded to vote a fifth time for a President of the Bank, the name of Mr. Tindall being withdrawn, there were for Mr. Saltonstall 27 votes; Mr. Owen 22; Mr. Fontaine 24.

Those who voted for Mr. Saltonstall, are Messrs. President, Abercrombie, Bagby, Brown, Casey, Jackson, Jones, Shackelford of the Senate, Mr. Speaker, Brown, Craig, Dale, Dupuy, Edwards, Exum, Greening, Heard, Harris, McClung, Moore of Mad. Mead, Neill, Perkins, Ross, Smith of H. Smith of Laud. Sims—27.

Those who voted for Mr. Owen are Messrs. McCamey, Meriwether, Skinner, Sullivan, Acklen, Ambrister, Benson, Bradford, Barclay, Coopwood, Davis of Frank. Davis of Jack. Dennis, Duke, Ellis, McVay, of Laud. McVay of Law, Moore of Jack. Massey, Parham, Smith of Mad. Williams, Walthall—23.

Those who voted for Mr. Fontaine, are Messrs. Ashe, Crabb, Irwin, Miller, Powell of the Senate, Mr. Bridges, Broadnax, Bell, Brasher, Crenshaw, Coe, Edmondson, Fluker, Johnson, Jones, Lawler, Lewis, Pickens, Powell, Rhodes, Roney, Terry, Weissinger, Whitfield—21.

No candidate having yet received a majority of the votes given, Mr. Speaker declared that no election was yet made, and the two Houses then proceeded to vote a sixth time for a President of the Bank; upon counting the votes there were for Mr. Saltonstall 27 votes; Mr. Owen 23; Mr. Fontaine 24.

Those who voted for Mr. Saltonstall, are Messrs. President, Abercrombie, Bagby, Brown, Casey, Jackson, Jones, Shackelford of the Senate, Mr. Speaker, Brown, Craig, Dale, Dupuy, Edwards, Exum, Greening, Heard, Harris, McClung, Moore of Mad. Mead, Neill, Perkins, Ross, Smith of H. Smith of Laud. Sims—27.

Those who voted for Mr. Owen, are Messrs. McCamey, Meriwether, Skinner, Sullivan of the Senate, Mr. Acklen, Ambrister, Benson, Bradford, Barclay, Coopwood, Davis of Frank. Davis of Jack. Dennis, Duke, Ellis, Moore of Jack. McVay of Laud. McVay of Law. Massey, Parham, Smith of Mad. Williams, Walthall—23.

Those who voted for Mr. Fontaine, are Messrs. Ashe, Crabb, Irwin, Miller, Powell of the Senate, Bridges, Broadnax, Bell, Brasher, Crenshaw, Coe, Edmondson, Fluker, Johnson, Jones, Lawler, Lewis, Pickens, Powell, Rhodes, Roney, Terry, Weissenger, Whitfield—24.

No candidate having yet received a majority of the votes given, Mr. Speaker declared neither to be elected, and the two Houses then proceeded to vote a seventh time for a President of the Bank, when there were, for Mr. Saltonstall 26 votes; Owen 12; Fontaine 34.

Those who voted for Mr. Saltonstall are, messrs. *President, Abercrombie, Brown, Casey, Jackson, Jones, Shackelford, of the sen. mr. Speaker, Brown, Craig, Dale, Dupuy, Edwards, Exum, Greening, Heard, Harris, m'Clung, moore of mad. mead, Neill, Perkins, Ross, Smith of Hen. Smith of La. Sims*—26.

Those who voted for Mr. Owen are, messrs. *Sullivan of the sen. Acklen, Ambrister, Bradford, Coopwood, Ellis, moore of Jack. m'Vay of Law. Parham, Smith of mad. Williams, Walthall*—12.

Those who voted for Mr. Fontaine are, messrs. *Ashe, Crabb, Irwin, m'camy, merriwether, miller, Powell, Skinner of the sen. mr. Benson, Bridges, Broadnax, Bell, Brasher, Barclay, Crenshaw, Coe, Davis of Fr. Davis of Jack. Dennis, Duke, Edmondson, Fluker, Johnson, Jones, Lawler, Lewis, m'Vay of Laud. massey, Pickens, Powell, Rancy, Terry, Weissenger, Whitfield*—34.

No one candidate having yet received a majority of the whole number of votes, Mr. Speaker declared that no election had yet been made; and the two Houses then proceeded to vote an eighth time for a President of the Bank of the State of Alabama—The name of Mr. Owen having been withdrawn—Messrs. Saltonstall and Fontaine only being in nomination; there were for Mr. Saltonstall 27 votes, Mr. Fontaine 45.

Those who voted for Mr. Saltonstall are, *mr. President, Abercrombie, Brown, Casey, Jackson, Jones, Shackelford, of the senate. mr. Speaker, Brown, Dale, Dupuy, Ellis, Edwards, Exum, Greening, Heard, Harris, m'Clung, moore of mad. mead, Neill, Perkins, Ross, Smith of Hen. Smith of Laud. Sims, Walthall*—27.

Those who voted for Mr. Fontaine are, messrs. *Ashe, Crabb, Irwin, m'camy, merriwether, miller, Powell, Skinner, Sullivan, of the sen. mr. Acklen, Ambrister, Benson, Bridges, Broadnax, Bell, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Fr. Davis of Ja. Dennis, Duke, Edmondson, Fluker, Johnson, Jones, Lawler, Lewis, moore of Jack. m'Vay of Laud. m'Vay of Law. massey, Pickens, Parham, Powell, Rhodes, Rancy, Smith of mad. Terry, Williams, Weissenger, Whitfield*—45.

Benjamin B. Fontaine having received a majority of the whole number of votes given, was by Mr. Speaker declared to be duly elected President of the Bank of the State of Alabama for the ensuing year, to hold said office during the time and in the manner prescribed by the laws of this state. And then the Senate withdrew.

And then the House adjourned till to-morrow morning 9 o'clock.

Thursday, January 11, 1827.

The House met pursuant to adjournment at 9 o'clock.

Mr. Lawler, from the select committee to whom was referred the petition of sundry inhabitants of Shelby county, praying the General Assembly to provide, by act or otherwise, for the surveying of the reservation of two miles square on the Coosa river, including Fort Williams, reported, that it was in their opinion inexpedient to legislate on the subject. *Ordered*, that said report be concurred in.

Mr. Fluker, a member of this House from the county of Marengo, obtained leave of absence after to-day for the remainder of this session.

Mr. Rancy offered the following resolution: Resolved, that this house, with the concurrence of the Senate, will on Saturday next, at the hour of twelve o'clock, adjourn sine die; which was adopted. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill from the Senate, to be entitled an act to incorporate the muscle shoals canal company, was read a third time as amended, and passed. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed resolutions from the Senate, protesting against the exercise of implied, constructive and unconstitutional powers on the part of the federal government, and asserting the rights secured to the state respectively by the constitution of the United States, being under consideration—Mr. Terry offered the following amendment, to commence and be inserted after the word 'measure,' in the second line of the first resolution: 'without the consent of the state in which such internal improvement shall be made.' The resolutions and amendment were then laid on the table for the present, at the instance of Mr. Acklen.

A message from the Senate by Mr. Lyon their secretary.

*Mr. Speaker*—The Senate have passed a bill which originated in their House, entitled an act to improve the navigation of Flint river in Madison county: in which they desire your concurrence. They have passed a bill which originated in the House of Representatives, entitled an act supplementary to the several acts now in force, first passed 31st Dec. 1822, and the second the 24th Dec. 1824; memorial to the Congress of the United States, asking permission for the trustees of the university of Alabama to select other lands in lieu of those herein described, and have amended the caption of the same in the manner herewith shown. And then he withdrew.

*Ordered*, that this House concur in the amendment made to the engrossed memorial to the Congress of the United States, asking permission for the trustees of the university of the state of Alabama to select other lands in lieu of those herein described, by striking out of the caption thereof the words 'the state of.'

Mr. Pickens moved that the House reconsider a vote given on yesterday on the third reading of the engrossed joint resolution from the Senate, requiring the Banks of Mobile and Tombecbe to report their situation to the General Assembly, he having voted in the majority in the rejection of said resolution; which was lost—Yeas 23, nays 31.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Coopwood	Duke	m <sup>r</sup> Vay of Land	Smith of La
Benson	Davis of Fr.	Exum	m <sup>r</sup> Vay of Law	South of ma
Brown	Davis of Jack.	Greering	massey	Weissenger
Bradford	Dennis	Johnson	Pickens	
Brasher	Dupuy	moore of Jack.	Powell	

Those who voted in the negative are

Mr. Speaker	Crenshaw	Fluker	mead	Sims
Ambrister	Craig	Coe	Harris	Jones
Bridges	Dale	Lawler	Perkins	Williams
Broadnax	Edmondson	Lewis	Parham	Walthall
Bell	Ellis	m <sup>r</sup> Clang	Raney	Whitfield
Barclay	Edwards	moore of mad.	Smith of Hen.	

Mr. Bridges, from the committee on enrolled bills, reported, that the committee have examined and found correctly enrolled, bills of the following titles, which originated in this House, to wit: an act to compensate the commissioners to close the unsettled accounts between this state and Mississippi, and for other purposes; an act to amend the times of holding the county courts of the counties of Tuscaloosa, Lawrence and Limestone; an act to define the boundary line between



Shelby and Autauga counties. Also, bills which originated in the Senate of the following titles, to wit: an act to prevent the Creek Indians from hunting and trapping within the settled limits of this state; and, joint resolutions appointing commissioners to report on the claims of the first purchasers of lots in Cahawba in 1819, to the next General Assembly, and for other purposes.

Mr. Greening obtained leave to introduce a bill to be entitled an act to amend an act, entitled an act for the more effectual preservation of personal liberty; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, the bill was read a second time forthwith; and the rule being further dispensed with, the bill was read a third time forthwith and passed. *Ordered*, that the title thereof be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr. Moore of Jack. obtained leave to introduce a joint resolution entitled resolution for the preservation of the public arms of this state; which was read a first time; and the rule requiring bills and joint resolutions to be read on three several days being suspended, four-fifths of the members present voting in the affirmative, the same was read a second time forthwith; and the rule being further dispensed with as aforesaid, it was read a third time forthwith and passed. *Ordered*, that the title thereof be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill from the Senate, entitled an act to improve the navigation of Flint river in Madison county, was read a first time; and the rule requiring bills to be read on three several days being suspended, four-fifths of the members present voting in the affirmative, the same was read a second time forthwith, and referred to a select committee, consisting of Messrs. Moore of Mad. M'Clung, Acklen, Smith of Mad. and Bradford, to consider and report thereon.

Mr. Greening offered the following resolution: *Resolved*, That this House duly appreciate the able manner in which the affairs of the Bank of the State of Alabama have been conducted, and as an act of justice to the late President of said Bank, that a committee be appointed to convey to him our sentiments of approbation on his retiring from the responsible station that he has occupied with so much credit to himself, and service to his country. Whereupon Messrs. Greening, M'Clung and Crenshaw were appointed said committee.

Mr. Perkins moved that those who had deposited title papers with the clerk of the House of Representatives, whose lots were not selected, be permitted to withdraw them; which was carried.

Mr. Raney offered the following resolution: *Resolved*, That this House, with the concurrence of the Senate, will at the hour of six o'clock this evening go into the election of twelve Directors of the Bank of the State of Alabama. Mr. Mead moved to amend the same by striking out 'six,' and inserting 'three,' which was carried. The resolution as amended was then adopted. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill from the Senate, entitled an act to provide for the support and better regulation of common schools, was read a second

time. Mr. Lewis moved that the further consideration of the same be indefinitely postponed; which was carried—Yeas 30, nays 20.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Bradford	Dennis	Lawler	Neill
Acklen	Barclay	Dupuy	Lewis	Pickens
Benson	Crenshaw	Duke	m'Clung	Smith of Hen.
Bridges	Davis of Fr.	Exum	moore of mad.	Terry
Brown	Davis of Ja.	Heard	moore of Jack.	Walthall-30
Broadnax	Dale	Jones	massey	

Those who voted in the negative are

Mr. Bell	Edmondson	Harris	mead	Williams
Brasher	Ellis	Johnson	Powell	Weissenger
Craig	Fluker	m'Vay of Laud	Smith of Lau.	Whitfield-20
Coopwood	Greening	m'Vay of Law	Smith of mad.	

The engrossed bills from the Senate, entitled an act to establish a road from Elyton to Montevallo; and, an act to emancipate certain slaves therein named, were severally read a third time and passed.—Ordered, that the clerk acquaint the Senate therewith.

The engrossed bill entitled an act making appropriations for certain claims against the state, was read a third time. Mr. Ross offered two additional sections, numbers 14 and 15, to be added as amendments to the bill by way of engrossed riders; which was adopted. Mr. Bridges offered an additional section, numbered 16, to be added as an amendment to the bill by way of engrossed rider; which was adopted. Mr. Greening offered an additional section numbered seventeen, to be added as an amendment to the bill by way of engrossed rider. Mr. Ross moved to amend said amendment by a proviso at the end thereof; which was carried. The amendment of Mr. Greening, with the proviso, was then adopted. Mr. Coopwood moved further to amend the bill by adding thereto an additional section, to be numbered eighteen, which was lost. Mr. Ross moved further to amend the bill by adding thereto an additional section; which was lost. The bill as amended was then passed. Ordered, that the title thereof be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Harris, the member from Washington county, obtained leave of absence from this House after to day for the remainder of this session.

A bill to be entitled an act to aid in the improvement of the port and harbor of Mobile, was taken up from the table. Mr. Smith of La. moved that the further consideration thereof be postponed till the first day of July next; which was lost—Yeas 24, nays 30.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Acklen	Brasher	Davis of Jack.	m'Vay of Laud.	Smith of Laud.
Ambrister	Crenshaw	Dupuy	m'Vay of Law.	Smith of mad.
Brown	Craig	Duke	Pickens	Weissenger
Bell	Coopwood	m'Clung	Parham	Walthall-24
Bradford	Davis of Fr.	moore of mad.	Powell	

Those who voted in the negative are

Mr. Speaker	Dale	Fluker	Lawler	Raney
Benson	Dennis	Greening	Lewis	Smith of Hen.
Bridges	Edmondson	Heard	moore of Ja.	Sims
Broadnax	Ellis	Harris	mead	Terry
Barclay	Edwards	Johnson	Perkins	Williams
Coe	Exum	Jones	Ross	Whitfield-30

Mr. Coopwood moved to amend the bill by adding thereto an addi-

tional section, which was lost. Mr. Ross then moved to amend the bill by inserting after the word 'fund,' in the bill, the words 'for two years and no longer.' Mr. Crenshaw moved to amend the amendment by striking out 'two,' and inserting 'one,' which was carried. The amendment of Mr. Ross was then adopted as amended. Mr. Smith of Laud. moved to amend the bill by inserting after the word 'city,' the following: 'after the payment of the charges of the county of Mobile upon the state treasury, and the payment of losses sustained by the state by defalcations of the collectors of the said county of Mobile; which was rejected—Yeas 5, nays 26.

The yeas and nays being desired, those who voted in the affirmative are  
 Mr. m'Vay of Laud. Powell Smith of Laud. Smith of mad. Walthall—5

Those who voted in the negative are

Mr. Speaker	Crenshaw	Edmondson	Jones	Pickens
Acklen	Craig	Ellis	Lawler	Parham
Ambrister	Coe	Edwards	Lewis	Ross
Benson	Coopwood	Exum	m'Clung	Raney
Brown	Davis of Fr.	Fluker	moore of mad.	Smith of Hen.
Broadnax	Davis of Ja.	Greening	m'Vay of Law.	Sims Terry
Bradford	Dale Dennis	Heard	mead	Williams
Brasher	Dupuy	Harris	massey	Weissenger
Barclay	Duke	Johnson	Perkins	Whitfield—16

The question was then put, shall this bill be engrossed for a third reading? and it was determined in the negative—Yeas 21, nays 32.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker	Ellis	Harris	mead	Smith of Hen.
Benson	Edwards	Johnson	Perkins	Terry
Broadnax	Greening	Jones	Ross	Williams
Dale Dennis	Heard	Lewis	Raney	Whitfield—21

Those who voted in the negative are

Mr. Acklen	Barclay	Dupuy	moore of mad.	Powell
Ambrister	Crenshaw	Duke	moore of Jack.	Smith of Laud.
Brown	Craig Coe	Edmondson	m'Vay of Laud.	Smith of mad.
Bell	Coopwood	Exum	m'Vay of Law.	Sims
Bradford	Davis of Fr.	Fluker	massey	Pickens Weissenger
Brasher	Davis of Jack.	m'Clung	Parham	Walthall—32

A message from the Senate by Mr. Crabb their assistant secretary.

Mr. Speaker—The Senate concur in the resolution of your honorable body, proposing to adjourn sine die on Saturday next at 12 o'clock.—They also concur in the resolution proposing to go into the election of twelve Directors of the Bank of the State of Alabama, and have amended the same by striking out '3 o'clock,' and inserting 'half past six o'clock this evening;' in which amendments they desire your concurrence. And then he withdrew.

In which said amendments the House concurred.

The engrossed bill to be entitled an act to increase the capital stock of the Bank of the State of Alabama, was read a third time and passed. Ordered, that the title thereof be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Perkins obtained leave to introduce a bill to be entitled an act to secure additional lots for the erection of the state capitol, and provide compensation for the site thereof; which was read a first time, and ordered to be read a second time.

The engrossed resolutions from the Senate relative to the militia laws of this state, was laid on the table.



The engrossed joint resolutions approving the amendment proposed by the state of Tennessee to the constitution of the United States, were read a third time and passed—Yeas 41, nays 11.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Acklen	Davis of Jack.	Dupuy	m'Clung	Parham
Ambrister	Barclay	Edmondson	moore of mad.	Powell
Benson	Craig Coe	Exum	moore of Jack.	Raney
Brown	Coopwood	Fluker	m'Vay of Lau.	Smith of Hen.
Broadnax	Davis of Fr.	Greening	m'Vay of Law.	Smith of mad.
Bell	Dale	Heard	mead	Terry
Bradford	Dennis	Jones	massey	Williams
Brasher	Duke	Lawler	Pickens	Weissinger

-41

Those who voted in the negative are

Mr. Speaker	Ellis	Lewis	Ross	Sims	Walthall
Crenshaw	Harris	Perkins	Smith of Lau.	Whitfield	-11

Ordered, that the title thereof be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The engrossed resolution from the Senate, instructing our Senators and Representatives in Congress on the subject of authorizing the sale of the sections No. 16, reserved for the use of schools in this state, was read a third time, and the question being put, shall this resolution pass? it was determined in the negative—Yeas 27, nays 27.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Davis of Fr.	Greening	massey	Terry
Benson	Dale	Dennis	Perkins	Williams
Broadnax	Duke	Jones	Pickens	Weissinger
Brasher	Edwards	Lawler	Ross	Raney
Crenshaw	Fluker	moore of Jac.	Smith of Hen.	Walthall

Whitfield-27

Those who voted in the negative are

Mr. Acklen	Craig Coe	Ellis	m'Clung	Parham
Ambrister	Coopwood	Exum	moore of mad.	Powell
Brown	Bell	Davis of Jack.	Heard	m'Vay of Lau.
Bradford	Dupuy	Johnson	m'Vay of Law.	Smith of mad.
Barclay	Edmondson	Lewis	mead	Sims

-27

And then the House adjourned till 3 o'clock.

*Evening session.* The House met pursuant to adjournment.

Mr. Greening, from the select committee appointed to convey to Andrew Pickens, late President of the Bank of the State of Alabama, a resolution of this House expressive of their approbation of his conduct as President of said Bank, reported, that they have addressed him the following letter:

*"Tuscaloosa, Jan. 11th, 1827.*

"SIR—We have the honor to enclose to you a resolution of the House of Representatives, expressive of their approbation of your conduct as President of the Bank of the State of Alabama. In the discharge of this duty, we may be permitted to avail ourselves of the opportunity, to assure you of the pleasure we feel in being made the organ of the House on this occasion.

With great respect, we are your ob't serv'ts,

ELDREDGE S. GREENING,  
J. W. M'CLUNG,  
W. CRENSHAW.

*"COL. ANDREW PICKENS"*

The departure of Col. Pickens from town previously to the adoption of the resolution, has deprived him of the opportunity of replying at this time to the letter addressed to him by the committee. Which report was laid on the table.



The engrossed resolution from the Senate, protesting against the exercise of implied, constructive and unconstitutional powers on the part of the federal government, and asserting the rights secured to the states respectively by the constitution of the U. States, were taken up and read. Mr. Crenshaw moved to strike out the fourth resolution, which was lost—Yeas 10, nays 44.

The yeas and nays being desired, those who voted in the affirmative are  
 Mr. Crenshaw    Dennis    Jones    Perkins    Sims  
 Davis of Jack.    Edwards    Moore of Ind.    Pickens    Williams—10

Those who voted in the negative are,  
 Mr. Speaker    Barclay    Ellis    m'Clung    Roberts  
 Acklen    Craig    Exum    Moore of Jack.    Smith of Hen.  
 Ambrister    Coe    Fluker    m'Way of Ind.    Smith of Land.  
 Benson    Coopwood    Greening    m'Way of Law.    Smith of Ind.  
 Brown    Davis of Fr.    Heard    mead    Terry  
 Broadnax    Dale    Harris    massey    Weissenger  
 Bell    Dupuy    Johnson    Powell    Walthall  
 Bradford    Duke    Lawler    Ross    Whitfield—44  
 Brasher    Edmondson    Lewis    Ramey

Mr. Coopwood then offered the following amendment to the 4th resolution, to insert after the word 'measure' the words 'without the consent of the state in which said improvement is intended to be made?' which was rejected. Mr. Crenshaw then moved to amend the third resolution by striking out in the second line the words 'is unconstitutional,' which was lost. The question was then put, shall this resolution pass? and it was determined in the affirmative—Yeas 43, Nays 12.

The yeas and nays being desired—those who voted in the affirmative are  
 Mr. Speaker    Barclay    Exum    Moore of Ind.    Ross  
 Acklen    Coe    Fluker    Moore of Jack.    Ramey  
 Ambrister    Davis of Fr.    Greening    m'Way of Ind.    Roberts  
 Benson    Davis of Ja.    Heard    m'Way of Law.    Smith of Hen.  
 Brown    Dale    Dennis    Harris    mead    Smith of Ind.  
 Broadnax    Dupuy    Lawler    massey    Terry  
 Bell    Bradford    Duke    Lewis    Neill    Weissenger  
 Brasher    Edmondson    m'Clung    Powell    Whitfield—13

Those who voted in the negative are  
 Mr. Crenshaw    Coopwood    Johnson    Perkins    Williams  
 Craig    Ellis    Edwards    Jones    Pickens    Sims    Walthall—12

A message from the Senate by Mr. Lyon their secretary

Mr. Speaker—The Senate have passed a bill which originated in their House entitled an act for the relief of Daniel Ayers; also, a resolution authorizing the money of the university now in the treasury, to be vested in state stock, in which they desire your concurrence. They have passed bills which originated in your House, entitled an act to authorize a levy of a county tax for the county of Covington; an act to authorize Edward Culvert to sell and convey a certain land certificate; an act amendatory to an act to classify and fix the price of the university lands, passed January 15th, 1826; an act organizing the 12th regiment of militia in St. Clair county; an act for the relief of Gratien and Robinson; an act to pay officers for taking prisoners from one county to another in this state; an act to revive a certain act herein named; an act to amend an act entitled an act for the more effectual preservation of personal liberty; an act further to relieve insolvent debtors and the better to secure the rights of creditors; an act more effectually to protect sheriffs, coroners and constables, in the discharge of their duties; an act to authorize the administrator and administratrix of George Hardwick deceased, to sell a certificate for one quarter section of land; an act concerning the sixteenth section herein mentioned, and have amended the same

in the manner herewith shewn; an act to vest in the county court of Covington county the powers heretofore exercised by the commissioners of said county, and have amended the same by striking out the second section thereof; an act to amend an act concerning the town of Tuscumbia, and have amended the same in the manner herewith shewn: in which several amendments they desire your concurrence. And then he withdrew.

A message from the Governor by J. I. Thornton Secretary of state.  
Mr. Speaker—I am instructed by the Governor to inform your honorable body, that he did this day approve and sign the following bills: an act to incorporate the Pikeville library company; an act to extend the civil and criminal jurisdiction of this state, over so much of the Creek nation as was ceded under the treaty of the Indian Springs of 1825, within the chartered limits of the state of Alabama; an act to amend in part an act entitled an act for the relief of William McDaniel passed 3d day of January 1825; an act to incorporate the Alabama and Tennessee canal company; an act to compensate Reuben Chapman for certain services therein mentioned; an act to divorce Coleman Allen from his wife Rebecca Allen; an act to authorize Edward Sims and his associates to open a turnpike road therein named; an act to divorce Mary Ducksworth from her husband George Ducksworth; an act for the relief of the securities of John Archer deceased; an act for the relief of Charles A. Henry; and, an act to establish a ferry and appoint commissioners to lay out a certain road therein named; all of which originated in this House. And then he withdrew.

Mr. Moore of Jackson offered the following preamble and resolution: Whereas, the General Assembly did before they made a selection of a site for a state capitol, pass an act saying that no site should be nominated or voted for, to which evidences of satisfactory titles should not be deposited with the clerk of the House of Representatives, and read aloud to the assembled Houses before they proceeded to select a site: and whereas the committee appointed for that purpose did nominate site No. 4, consisting of lots numbered 143, 144, 145, and 146, to two of which Nos. 144, and 145, there were satisfactory titles, and to Nos. 143, and 146, there were no titles, or evidences thereof, deposited with the clerk or read aloud to the assembled Houses: And whereas, on examination it is ascertained that lot No. 143 has been conveyed in trust for the use of the infant daughter of Samuel Maverick; and whereas, site No. 4, consisting of the aforesaid lots, was nominated, voted for, and selected, as a site for the state capitol, contrary to the provisions of the aforesaid act, and it is the opinion of this House that such selection is unlawful, and therefore no selection—be it therefore resolved, that with the concurrence of the Senate, the General Assembly will proceed on to-morrow at 10 o'clock to select a site for the state capitol pursuant to the provisions of said act. Mr. Davis of Frank. moved that the further consideration of said resolution be indefinitely postponed, which was carried—Yeas 30, Nays 23.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Davis of Fr.	Johnson	Neill	Smith of mad.
Benson	Dale	Dennis	Jones	Perkins
Broadnax	Edwards	Lawler	Pickens	Sims
Bell	Exum	Lewis	Powell	Terry
Crenshaw	Greening	Mead	Smith of Hen.	Weissenger
Craig	Heard	massey	Smith of Laud.	Walthall-30

Those who voted in the negative are

Mr. Acklen	Barclay	Edmondson	moore of mad.	Raney
Ambrister	Coe	Ellis	moore of Jack.	Williams
Brown	Davis of Jack.	Fluker	mcVay of Land.	Whitfield-29
Bradford	Dopny	Harris	mcVay of Law.	
Brasher	Duke	mcClung	Ross	

And then the House adjourned till half past six o'clock to night.

Next Session

The House met pursuant to adjournment at half past six o'clock.

Mr. Acklen offered the following resolution: Resolved that the Senate be informed that this House is now ready to go into the election of Directors for the Bank of the state of Alabama, for the ensuing year, and that the east end of the Representative Hall be assigned for their reception: which was adopted. Ordered, that the clerk acquaint the Senate therewith.

The Senate having appeared and taken the seats assigned them, the two Houses then proceeded to the election of twelve Directors of the Bank of the State of Alabama for the ensuing year; whereupon Messrs. William G. Parish, Henry Shortridge, John L. Tindal, James H. Dearing, Henry A. Snow, James Hogan, William R. Colgin, Archer P. Baldwin, Thomas Owen, Sion L. Perry, Willis Banks, John H. Sommerville, Henry Minor, George Starr, John B. Hogan, William P. Gould, Audley H. Gazzam, Nathan Bolles, Constantine Perkins, John Jones, Henry W. Collier and Edward Sims being in nomination: The two houses proceeded to vote; and, upon counting the votes, it appeared there were for, Mr. James Hogan 68 votes, Mr. Tindal 67, Mr. Owen 59, Mr. Snow 57, Mr. Dearing 52, Mr. Gazzam 51, Mr. Sommerville 49, Mr. Perry 48, Mr. Perkins 46, Mr. J. B. Hogan 43, Mr. Colgin 42, Mr. Parish 39, Mr. Banks 37, Mr. Collier 34, Mr. Minor 33, Mr. Shortridge 30 Mr. Starr 28, Mr. Baldwin 25, Mr. Gould 20, Mr. Bolles 5, Mr. Jones 4, Mr. Sims 3.

Those who voted for Mr. James Hogan are—Mr. President, Abercrombie, Ashe, Brown, Casey, Crabb, Gaines, Jackson, Irwin, Jones, McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Se. Acklen, Ambriester, Benson, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Frank, Davis of Jack, Dale, Dennis, Dupuy, Duke, Edmundson, Ellis, Edwards, Exum, Fluker, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, McClung, Moore of mad. Moore of Jack, McVay of Law, Mead, Massey, Perkins, Pickens, Parham, Powell, Ross, Ramey, Roberts, Smith of Laud, Smith of mad. Sims, Terry, Williams, Weissinger, Walthall, Whitfield—68.

Those who voted for Mr. Tindal are—Mr. President, Abercrombie, Ashe, Brown, Casey, Crabb, Gaines, Jackson, Irwin, Jones, McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker, Acklen, Ambriester, Benson, Brown, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Frank, Davis of Jack, Dennis, Dupuy, Duke, Edmundson, Ellis, Exum, Fluker, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, McClung, Moore of mad. Moore of J. B. McVay of Laud, McVay of Law, Mead, Massey, Perkins, Pickens, Parham, Powell, Ramey, Roberts, Smith of Laud, Smith of mad. Sims, Terry, Williams, Weissinger—67.

Those who voted for Mr. Owen are—Mr. President, Ashe, Brown, Casey, Crabb, Gaines, Jackson, Irwin, Jones, McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker, Acklen, Ambriester, Benson, Brown, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Fr. Davis of Jack, Dale, Dennis, Dupuy, Duke, Edmundson, Ellis, Edwards, Fluker, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, McClung, Moore of mad. Moore of Jack, McVay of Laud, McVay of Law, Massey, Perkins, Parham, Ramey, Smith of La. Smith of mad. Sims, Terry, Williams, Weissinger, Walthall, Whitfield—59.

Those who voted for Mr. Snow are—Mr. President, Abercrombie, Ashe, Brown, Crabb, Gaines, Jackson, Jones, McCamy, Merriwether, Miller, Skinner, Sullivan of the Senate. Ambriester, Benson, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Frank, Davis of Jack, Dennis, Dupuy, Duke, Edmundson, Ellis, Edwards, Fluker, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, Moore of mad. McVay of Laud, McVay of Law, Perkins, Pickens, Powell, Ross, Ramey, Roberts, Smith of Laud, Smith of mad. Sims, Terry, Williams, Weissinger, Walthall, Whitfield—57.

Those who voted for Mr. Dearing are—Mr. President, Ashe, Casey, Crabb, Irwin, Gaines, Jackson, Jones, McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker, Acklen, Ambriester, Brown, Bradford, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Frank, Davis of Jack, Dupuy, Duke, Edmundson, Ellis, Edwards, Exum, Fluker, Heard, Harris, Johnson, Jones, Lawler, McClung, Moore of mad. Moore of Jack, McVay of Law, Massey, Perkins, Ross, Ramey, Roberts, Smith of mad. Williams, Weissinger, Walthall, Whitfield—52.

Those who voted for Mr. Gazzam are—Mr. President, Abercrombie, Ashe, Brown, Casey, Crabb, Jackson, Irwin, McCamy, Merriwether, Miller, Skinner, Sullivan of the Senate, Acklen, Benson, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Jack, Dale, Dennis, Dupuy, Duke, Edmundson, Exum, Heard, Harris, Johnson, Lawler, Moore of Jack, McVay of Laud, McVay of Law, Mead, Massey, Perkins, Pickens, Parham, Powell, Ross, Roberts, Smith of Lau, Smith of mad. Terry, Weissinger—51.

Those who voted for Mr. Sommerville are—Mr. President, Abercrombie, Ashe, Brown,

Casey, Crabb, Gaines, Jackson, Irwin, Jones, McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker, Acklen, Bell, Bradford, Craig, Coe, Dale, Dennis, Dupuy, Edmondson, Exum, Fluker, Heard, Harris, Lawler, Lewis, McClung, Moore of Mad. Moore of Jack. McVay of Land. McVay of Law. Mead, Mead, Perkins, Parham, Powell, Ross, Rancy, Roberts, Smith of Land. Walthall, Whitfield.

Those who voted for Mr. Perry are—Mr. Abercrombie, Ashe, Brown, Casey, Jones, McClung, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker, Acklen, Ambrister, Benson, Broadnax, Bell, Brasher, Bradford, Barclay, Crenshaw, Davis of Frank. Dale, Dennis, Duke, Ellis, Greening, Heard, Harris, Johnson, Jones, Lewis, McClung, Moore of Jack, Moore of Mad. Massey, Perkins, Powell, Ross, Roberts, Smith of Land. Sims, Terry, Williams, Weissenger, Walthall, Whitfield—48.

Those who voted for Mr. Perkins are—Mr. President, Ashe, Casey, Gaines, Jackson, Jones, McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker, Acklen, Ambrister, Benson, Broadnax, Bell, Brasher, Bradford, Barclay, Crenshaw, Davis of Frank. Dale, Dennis, Duke, Ellis, Greening, Heard, Harris, Johnson, Jones, Lewis, McClung, Moore of Jack, Moore of Mad. Massey, Perkins, Powell, Ross, Roberts, Smith of Land. Sims, Terry, Williams, Weissenger, Walthall—46.

Those who voted for Mr. John B. Hoot are—Mr. President, Abercrombie, Brown, Casey, Crabb, Gaines, Jackson, Irwin, Shackelford of the Senate. Mr. Speaker, Acklen, Ambrister, Benson, Broadnax, Bell, Bradford, Craig, Coe, Coopwood, Davis of Frank. Dale, Dennis, Duke, Ellis, Edwards, Exum, Greening, Heard, Harris, Johnson, Jones, Lewis, McClung, Moore of Jack, Moore of Mad. Massey, Perkins, Pickens, Parham, Powell, Ross, Roberts, Smith of Land. Sims, Terry, Williams, Weissenger, Walthall—43.

Those who voted for Mr. Collier are—Mr. President, Abercrombie, Casey, Gaines, Jackson, Jones, McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker, Acklen, Ambrister, Benson, Broadnax, Bell, Brasher, Barclay, Coe, Coopwood, Davis of Frank. Dale, Dennis, Duke, Ellis, Edwards, Exum, Fluker, Harris, Lewis, McClung, Moore of Jack, Moore of Mad. Massey, Perkins, Pickens, Parham, Powell, Ross, Rancy, Roberts, Sims, Terry, Williams, Weissenger, Walthall—42.

Those who voted for Mr. Parish are—Mr. Ashe, Casey, Crabb, Jones, McCamy, Merriwether, Miller, Shackelford of the Senate. Mr. Ambrister, Benson, Brown, Broadnax, Bell, Brasher, Barclay, Crenshaw, Coopwood, Davis of Frank. Dale, Dennis, Duke, Ellis, Edwards, Exum, Fluker, Greening, Johnson, Jones, Moore of Mad. Moore of Jack, McVay of Land. Mead, Massey, Perkins, Pickens, Parham, Powell, Ross, Rancy, Roberts, Sims, Terry, Williams, Weissenger, Walthall—41.

Those who voted for Mr. Banks are—Mr. President, Ashe, Gaines, Jackson, Jones, McCamy, Merriwether, Miller, Skinner, Sullivan of the Senate. Mr. Speaker, Ambrister, Broadnax, Bradford, Crenshaw, Coopwood, Davis of Frank. Dale, Dennis, Duke, Ellis, Edwards, Exum, Fluker, Greening, Harris, Lawler, Lewis, McClung, Moore of Jack, Moore of Mad. Massey, Perkins, Pickens, Parham, Powell, Ross, Rancy, Smith of Mad. Sims, Terry, Williams, Weissenger, Whitfield—37.

Those who voted for Mr. Collier are—Mr. Crabb, Jones, Miller, Shackelford, Skinner, of the Senate. Mr. Speaker, Acklen, Ambrister, Benson, Brown, Bradford, Brasher, Coopwood, Davis of Jack. Dennis, Duke, Ellis, Edwards, Exum, Fluker, Greening, Heard, Lewis, Moore of Mad. Moore of Jack, McVay of Land. McVay of Law. Mead, Pickens, Parham, Powell, Rancy, Smith of Mad. Williams, Weissenger, Whitfield—34.

Those who voted for Mr. Minor are—Mr. President, Abercrombie, Gaines, Jackson, Irwin, of the Senate. Mr. Speaker, Broadnax, Barclay, Crenshaw, Coe, Dale, Edmondson, Edwards, Exum, Fluker, Harris, Lawler, Lewis, McClung, Moore of Mad. Moore of Jack, McVay of Land. Mead, Massey, Perkins, Pickens, Parham, Powell, Ross, Rancy, Roberts, Smith of Land. Sims, Walthall—33.

Those who voted for Mr. Shertidge are—Mr. Jones of the Senate. Mr. Speaker, Acklen, Ambrister, Benson, Bradford, Brasher, Barclay, Crenshaw, Craig, Coopwood, Davis of Frank. Dennis, Dupuy, Duke, Ellis, Edwards, Greening, Jones, Moore of Jack, Moore of Mad. Massey, Perkins, Pickens, Parham, Rancy, Smith of Mad. Sims, Terry, Williams, Weissenger—30.

Those who voted for Mr. Starr are—Mr. Abercrombie, Brown, Crabb, Irwin, Shackelford of the Sen. Mr. Brown, Broadnax, Bell, Craig, Coe, Dale, Dennis, Dupuy, Edmondson, Edwards, Exum, Greening, Heard, Johnson, Jones, Lawler, McVay of Land. Mead, Perkins, Roberts, Smith of Land. Sims, Walthall—28.

Those who voted for Mr. Baldwin are—Mr. Ashe, Brown, Crabb, of the Senate. Mr. Speaker, Acklen, Ambrister, Benson, Brown, Bell, Barclay, Dupuy, Duke, Ellis, Edwards, Heard, McClung, Moore of Jack, Massey, Perkins, Parham, Powell, Ross, Roberts, Smith of Mad. Sims—27.



Those who voted for Mr. Gould are—mr Abercrombie, Brown, Casey, Irwin, Shackleford of the Senate. mr. Bell, Craig, Dale, Edmondson, Edwards, Exum, Heard, Johnson, Jones, Lawler, Moore of M. Mead, Perkins, Ross, Smith of L.—20

Those who voted for mr Bolles are—mr. Gaines of the Senate. mr Brasher, Edwards, Perkins. Ross—5

Those who voted for mr Jones are—mr. Abercrombie, Brown, of the Senate. mr. Dupuy, McVay of Laud.—4.

Those who voted for mr. Sims are—mr. Jones, of the Senate. mr. McClung, Massey—3.

Messrs. James Hogan, John L. Tindal, Thomas Owen, Henry A. Snow, James H. Dearing, Audley H. Gazzam, John H. Sommerville, Sion L. Perry, Constantine Perkins, John B. Hogan, William R. Colgin and William G. Parrish, having received the greatest number of votes, and each of them having received a majority of the whole number of votes given, were declared by Mr. Speaker to be duly elected Directors of the Bank of the State of Alabama for the ensuing year, to hold said office for the time and according to the laws of this state. And then the Senate withdrew.

And then the House adjourned till to-morrow morning at nine o'clock.

*Friday morning, January 12th, 1827.*

The House met pursuant to adjournment.

Mr. Moore of Jackson, from the committee on enrolled bills, reported that said committee had examined and found to be correctly enrolled bills which originated in this House, of the following titles, viz : an act to repeal an act incorporating the town of Rodney in Washington county ; an act to repeal in part an act entitled an act to appoint commissioners to lay out two roads leading from the ford on Line creek, the one to Coffeeville, the other to Tuscaloosa, passed December 31st, 1822 ; an act to require additional services to be performed by the Judge of the first judicial circuit in this state ; an act amendatory to an act passed on the 14th January, 1826, entitled an act to authorize William H. Ragsdale and his associates to turnpike a road therein specified ; an act to exempt the members of the hook and ladder company in the city of Mobile from militia and patrol duty, and for other purposes ; memorial to the Congress of the United States, asking permission for the trustees of the university of Alabama to select other lands in lieu of those herein described ; an act to revive a certain act herein named ; an act to amend an act entitled an act for the more effectual preservation of personal liberty ; an act to pay officers for taking prisoners from one county to another in this state ; an act to incorporate the Rocky Mount academy in Autauga county ; and, an act to reduce into one the several acts concerning roads, bridges, ferries, and highways. Mr. Moore from Jackson, from the committee on the state bank, to which was referred a resolution instructing said committee to inquire into the expediency of so amending the charter of the bank, that persons borrowing and having borrowed money from counties which have received their quota shall have until the first day of April in each year to pay said monies, reported, that because it is in their opinion too late to pass a law to effect debts already contracted, and because the General Assembly will sit again in time to aid persons hereafter contracting debts with the bank, have considered that it is unnecessary to amend the charter as contemplated by said resolution at this time. Ordered that said report be concurred in.

Mr. Moore of Jackson, from the committee on the state bank, to which was referred a resolution requiring said committee to inquire into the expediency of passing a law appointing a board of inquiry in each county to examine into the solvency of subscribers to notes offered to said bank to be discounted ; reported, that because under the present regulation the president and directors are alone responsible for the solvency of persons contracting debts with the bank, and on that account will act more cautiously, than they would do if by the passage of such a law as is contemplated in said resolution, the responsibility was in part removed

ved from themselves to the said board of inquiry, and that it is inexpedient to legislate on that subject. In which report the House concurred.

Mr. Johnson, moved that the House reconsider a vote given on yesterday on the subject of the memorial to the congress of the United States, entitled, engrossed resolution (from the Senate) instructing our Senators and Representatives in Congress on the subject of authorizing the sale of sections numbered sixteen reserved for the use of schools in this state, he having voted in the majority in the rejection of the same; which was carried. And the same was then put among the orders of the day.

Mr. Craig, from the committee on enrolled bills, reported that they have examined found to be correctly enrolled, bills of the following titles viz: an act for the relief of John McGrew; an act making it the duty of the comptroller of public accounts to lay before both Houses of the General Assembly annually, in the 1st week of its session a fair expose of the disbursements made from the contingent fund; an act relative to certain officers in Fayette county; an act to authorize the Mobile school commissioners to raise a sum of money by lottery; an act to repeal in part an act passed at St. Stephens, February 10th, 1818, incorporating the St. Stephens steam boat company; an act for the relief of James W. Armstrong; resolutions authorizing the Governor to offer the university lands in Shelby and Bibb counties for sale on the third Monday in February next; report and resolutions in relation to the system for the disposal of the public lands and to the unsettled land claims in this state: all of which originated in the Senate: an act supplementary to the several acts now in force, first passed 31st Dec. 1822, and the second Dec. 24th, 1824; an act to authorize a levy of a county tax for the county of Covington; an act to authorize Edward Calvert to sell and convey a certain land certificate; an act to establish a road from Montevallo to Greensborough; an act to incorporate the town of Pikeville; an act amendatory of the laws now in force on the subject of bail in civil cases; an act providing for the compensation of B. B. Breeden; an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Shelby to alter a certain road therein named; an act for the relief of Grantland and Robinson; an act organizing the 12th regiment of militia in St. Clair county; an act amendatory to an act entitled an act to class and fix the price of the university lands, passed January 13th, 1826; a resolution to remove the injunction of secrecy imposed on the joint committee appointed to examine the state bank: which have originated in this House.

A message from the Senate by Mr. Lyon their secretary.

Mr. Speaker—The Senate concur in the several amendments made by your honor. body to the bill entitled an act to incorporate the muscle shoals canal company. They disagree to the amendments made by your honorable body to the bill entitled an act to establish a road from Elyton to Montevallo, reducing the tolls provided for in said bill as it passed the Senate. They concur in the amendment made to said bill. They have passed a bill which originated in the House of Representatives entitled an act to prohibit the importation of slaves into this state for sale or hire, and have amended the same in the manner herewith reported: in which they desire your concurrence. And then he withdrew.

Ordered, that this House insist on the amendments made by them to the act to establish a road from Elyton to Montevallo: Ordered that the clerk acquaint the Senate therewith.

Ordered that this House concur in the amendments made by the Senate to the bill to be entitled an act to prohibit the importation of slaves into this state for sale or hire, by inserting in the first section, after the word 'each' the words 'negro so brought in;' and by striking out the word 'offence.' Also by striking out the second section of the bill, and inserting another second section in lieu thereof. Ordered, that the clerk acquaint the Senate therewith.

Mr. Acklen moved to take up from the table the bill to be entitled an act to alter the punishment of forgery and counterfeiting; which was lost.

Ordered that the House concur in the amendment made by the Senate to the bill to be entitled an act to vest in the county court of Covington county the powers heretofore exercised by the commissioners of said county, and for other purposes; by striking therefrom the second section. Ordered, that the clerk acquaint the Senate therewith.

Ordered, that this House concur in the amendment made by the Senate to the bill entitled an act concerning the 16th section, herein mentioned, by striking out in the fifth line of the first section, the word 'ten' and inserting in lieu thereof the word 'twenty' Ordered, that the clerk acquaint the Senate therewith.

Ordered, that this House concur in the amendments made by the Senate to the bill entitled an act to amend an act concerning the town of Tuscumbia, by striking out in the second section and eighteenth line, the word 'one,' and inserting in lieu thereof the word 'three.' By striking out in the second section and 21st line, the word 'publication' and inserting in lieu thereof the words 'public auction,' and also by adding a proviso at the end of the second section. Ordered, that the clerk acquaint the Senate therewith.

The engrossed bill from the Senate to be entitled an act for the relief of Daniel Ayers, was read a first time. Mr. McClung, moved that the further consideration thereof be indefinitely postponed; which was carried.

Mr. McVay of Laud moved to take up from the table a bill from the Senate to be entitled an act to procure surveys plans and estimates, in relation to certain objects of internal improvement within this state; which was carried—Yeas 28, Nays 23.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Acklen	Edmondson	m'Clung	Neill	Smith of mad.
Bell	Ellis	moore of mad.	Parham	Sims
Bradford	Edwards	moore of Jack.	Powell	Williams
Craig	Exum	m'Vay of Laud.	Ross	Whitfield—28
Coe	Fluker	m'Vay of Law.	Raney	
Davis of Fr.	Heard	Mead	Smith of Laud.	

Those who voted in the negative are,

Mr. Speaker	Barclay	Dennis	Lawler	Terry
Ambrister	Crenshaw	Duke	massey	Weissenger
Benson	Coopwood	Greening	Perkins	Walthall—23
Brown	Davis of Jack.	Johnson	Pickens	
Broadnax	Dale	Jones	Smith of Hen.	

A bill to be entitled an act to secure additional lots for the erection of the state capitol and provide compensation for the site thereof, was read a second time. Mr. Perkins moved to amend the same by adding thereto an additional section, numbered three; which was carried. The rule requiring bills to be read on three several days being suspended, four fifths of the members present voting in the affirmative, the bill was ordered to be read a third time to day as soon as engrossed, and to be engrossed forthwith.

Mr. Ross offered the following resolution: Resolved, that a committee be appointed on the part of this House to act with such committee as may be appointed on the part of the Senate, to wait on his excellency the Governor, and inform him that the two Houses of the General Assembly will be ready to adjourn sine die on to-morrow, if he has no further communications to make; which was adopted: whereupon, Messrs. Ross, Broadnax and Edmondson, were appointed said committee. Ordered, that the clerk acquaint the Senate therewith.

Mr. Moore of Madison, from the select committee, to whom was referred the engrossed bill from the Senate to be entitled an act to improve the navigation of Flint river in Madison county, reported the same with the following amendments thereto, to wit: in section 4 strike out 'five' and insert 'seven': in section 6 strike out 'fifty-eight,' and insert 'forty-seven' in section 7 strike out 'two,' and insert 'three:' same section after the word President insert 'Directors:'

strike out his in the same line, and insert 'their,' and add 's' to the word 'officers' immediately following ; also strike out the word 'another' and insert 'their successors : ' in section 10, strike out 'at all times' and insert, 'during the ordinary stages of water : ' also by adding thereto an additional section to come in after the twelfth section. Ordered, that the House concur in said report, and adopt said amendments ; the bill was then passed. Ordered, that the clerk acquaint the Senate therewith.

On motion of Mr. Davis of Frank the engrossed resolutions from the Senate entitled engrossed resolutions relative to the militia laws of this state, were read a third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The engrossed resolution from the Senate, authorizing the money of the university, now in the treasury, to be vested in state stock, was read a first time ; and the rule, requiring bills to be read on three several days being suspended, four fifths of the members present voting in the affirmative, the resolution was read a second time forthwith. Mr Greening offered as an amendment to the resolution, an additional section numbered two ; which was adopted ; and the rule requiring bills, and resolutions to be read on three several days, being further suspended as aforesaid, it was read a third time forthwith, and passed—Yeas 44 Nays 3

The yeas and nays being desired, those who voted in the affirmative are Mr. Speaker, Acklen, Ambrister, Benson, Brown, Broadnax, Bell, Bradford, Barclay, Crenshaw, Coopwood, Davis of Fr. Davis of Jack. Dale, Dennis, Duke, Edmondson, Ellis, Exum, Fluker, Greening, Heard, Johnson, Jones, Lawler, moore of mad. moore of Jack m'Vay of Land. m'Vay of Law. mead, massey, Neill, Perkins, Pickens, Powell, Raney, Smith of H. Smith of Laud. Smith of mad. Sims, Terry, Williams, Weissenger, Walthall, Whitfield—44.

Those who voted in the negative are

Mr. Craig, Coe, m'Clung—3.

Ordered, that the title thereof be amended by adding, 'and for other purposes.' Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Lyon their secretary. Mr. Speaker—The Senate recede from their disagreement to the amendment made by your honorable body to the bill entitled an act to establish a road from Elyton to Montevallo. They have passed a bill which originated in their House entitled an act more effectually to enable the president and directors of the bank of the state of Alabama, to judge of the solvency of applicants for discounts at said bank : in which, they desire your concurrence. And then he withdrew.

Mr. Barclay moved that the judiciary committee be discharged from the further consideration of the engrossed bill from the Senate, entitled an act more effectually to prevent breaches of the peace ; which was carried. The bill was then placed among the orders of the day.

Engrossed bill from the Senate, entitled an act more effectually to enable the president and directors of the bank of the state of Alabama, to judge of the solvency of applicants for discounts at said bank, was read a first time. Mr. Johnson then moved that said bill lie on the table till the fourth day of July next ; which was carried.

Engrossed bill from the Senate entitled an act to procure surveys, plans and estimates, in relation to certain objects of internal improvement within this state, was read a third time ; and the question being put, shall this bill pass ? it was determined in the negative—Yeas 14, Nays 37.

The yeas and nays being desired, those who voted in the affirmative are Mr. Craig, Coe, Edmondson, Ellis, Exum, Heard, m'Clung, m'Vay of Laud. Perkins, Powell, Raney, Roberts, Smith of Laud. Whitfield—14.

Those who voted in the negative are,

Mr. Speaker, Acklen, Ambrister, Benson, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Crenshaw, Coopwood, Davis of Frank, Davis of Jack Dale, Dennis, Duke, Edwards, Fluker, Greening, Johnson, Jones, Lawler, moore of



ad. moore of Jack. m'Vay of Law. mead, massey, Neill, Pickens, Parham, Smith of Hen. Smith of mad. Sims, Terry, Williams, Weissenger—37.

The engrossed bill from the Senate entitled an act more effectually to prevent breaches of the peace, being on its second reading—Mr. Greening moved that the further consideration thereof be indefinitely postponed; which was carried—Yeas 29, Nays 22.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Ellis	Jones	Neill	Roberts
Acklen	Edwards	Lawler	Perkins	Smith of Hen.
Benson	Exam	m'Clung	Pickens	Terry
Crenshaw	Fluker	moore of mad.	Parham	Weissenger
Davis of Jack.	Greening	moore of Jack.	Ross	Whitfield—29
Dale	Heard	mead	Raney	

Those who voted in the negative are,

Mr. Ambrister	Brasher	Davis of Fr.	m'Vay of Land.	Smith of mad.
Brown	Barclay	Dennis	m'Vay of Law.	Williams—22
Broadnax	Craig	Duke	massey	
Bell	Coe	Edmondson	Powell	
Bradford	Coopwood	Johnson	Smith of Land.	

Engrossed resolution from the Senate, instructing our Senators and Representatives in Congress on the subject of authorizing the sale of the sections No. 16, reserved for the use of schools in this state—Mr. Johnson moved to amend the first paragraph with the following proviso:—'Provided farther, that the inhabitants of each township first give their consent to the sale of the same;' which was adopted. And the question being put, shall this resolution pass? it was determined in the affirmative—Yeas 29, nays 24.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Dale	Greening	Neill	Smith of Hen.
Benson	Dennis	Johnson	Perkins	Terry
Brown	Duke	Jones	Pickens	Williams
Broadnax	Ellis	Lawler	Ross	Weissenger
Crenshaw	Edwards	moore of Jack.	Raney	Whitfield—29
Davis of Fr.	Fluker	massey	Roberts	

Those who voted in the negative are

Mr. Acklen	Barclay	Dupuy	moore of mad.	Powell
Ambrister	Craig	Edmondson	m'Vay of Land.	Smith of Land.
Bell	Coe	Exam	m'Vay of Law.	Smith of mad.
Bradford	Coopwood	Heard	mead	Sims—24
Brasher	Davis of Jack.	m'Clung	Parham	

Ordered, that the clerk acquaint the Senate therewith.

A message from the Governor by James I. Thornton, secretary of state. *Mr. Speaker*—I am instructed by the Governor to inform your honorable body that he did on the 11th inst. approve and sign, bills of the following titles, to wit: an act to emancipate certain slaves therein named; an act to authorize the raising by lottery a sum of money for purposes therein specified; an act for the relief of Theophilus L. Toulmin, tax collector for the county of Mobile for the year 1822; an act reducing the price of the digest of the laws of Alabama; an act to incorporate the town of Russellville in the state of Alabama; and, an act better to provide for leasing the 16th section therein named: all of which originated in this House. And then he withdrew.

Mr. Perkins obtained leave to introduce a joint resolution to provide for the safe keeping of the furniture belonging to the state, in the state house; which was read a first time; and the rule requiring bills and

joint resolutions to be read on three several days being dispensed with it was read a second time forthwith, and referred to a select committee consisting of Messrs. Perkins, Davis of Fr. and Mead.

Engrossed bill to be entitled an act to secure additional lots for the erection of the state capitol, and provide compensation for the site thereof, was read a third time. Mr. Williams moved to amend the bill by adding at the end of the first section thereof the following proviso: 'provided, that no money shall be drawn from the treasury for the payment of the lots to James Childress, until the title to other lots, which may be deemed necessary by the commissioners for the erection of the state capitol, can be secured to the state; which was lost—Yeas 14, nays 37.

The yeas and nays being desired, those who voted in the affirmative are:

Mr. Acklen	Coe	Ellis	Moore of Jac.	Raney
Ambrister	Davis of Ja.	Greening	Pickens	Williams—14
Bradford	Duke	Johnson	Parham	

Those who voted in the negative are

Mr. Speaker	Coopwood	Heard	Mead	Sims	Terry
Benson	Davis of Fr.	Jones	Massey	Weissenger	
Brown	Dale	Lawler	Neill	Walthall	
Broadnax	Dennis	M'Clung	Perkins	Whitfield—37	
Bell	Brasher	Dupuy	Moore of mad.	Powell	Smith of Hen.
Crenshaw	Edwards	M'Vay of Lau.	Ross	Smith of La.	
Craig	Exum	M'Vay of Law	Roberts	Smith of mad.	

Mr. Ellis moved to amend the bill by adding at the end of the second section the following proviso: 'provided, said commissioners shall not enter into a contract for or pay more than the sum of one thousand dollars for any one lot which they may think necessary for completing said site,' which was lost—Yeas 25, nays 26.

The yeas and nays being desired, those who voted in the affirmative are:

Mr. Speaker	Coopwood	Ellis	m'Vay of Laud.	Smith of Hen.
Ambrister	Davis of Jack.	Greening	m'Vay of Law.	Smith of mad.
Benson	Dennis	Johnson	Pickens	Williams
Brown	Dupuy	m'Clung	Parham	Walthall
Coe	Duke	moore of Jack.	Raney	Whitfield—25

Those who voted in the negative are

Mr. Acklen	Barclay	Exum	massey	Roberts
Broadnax	Craig	Heard	Jones	Neill
Bell	Davis of Fr.	Lawler	Perkins	Sims
Bradford	Dale	moore of mad.	Powell	Terry
Brasher	Edmondson	mead	Ross	Weissenger

The question being put, shall this bill pass? it was determined in the affirmative—Yeas 44, nays 8.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker, Acklen, Benson, Brown, Broadnax, Bell, Bradford, Barclay, Crenshaw, Craig, Coopwood, Davis of Frank. Dale, Dennis, Dupuy, Edmondson, Edwards, Exum, Greening, Heard, Johnson, Jones, Lawler, m'Clung, moore of mad. moore of Jack. m'Vay of Laud. m'Vay of Law. massey, Neill, Perkins, Powell, Ross, Roberts, Smith of Hen. Smith of La. Smith of mad. Sims, Terry, Weissenger, Walthall, Whitfield—44.

Those who voted in the negative are—Mr. Ambrister, Coe, Davis of Ja. Dale, Ellis, Parham, Raney, Williams—8.

Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

And then the House adjourned until three o'clock.

**Evening Session.** The House met pursuant to adjournment.

Mr. Moore of Jack. moved that the report of the select committee of the Senate, and the plan of the capitol therewith, which were sent by the Senate to this House, and reported as having been adopted by the Senate, be taken up; which was carried. And the question was then put, shall this House concur in said report in relation to the state capitol, and adopt said plan? and the same was determined in the affirmative—Yeas 45, nays 1.

The yeas and nays being desired, those who voted in the affirmative are—Mr. Speaker, Acklen, Ambrister, Benson, Brown, Broadnax, Bradford, Braher, Barclay, Crenshaw, Craig, Coc, Coopwood, Davis of Fr. Davis of Jack. Dale, Dennis, Dupuy, Duke, Edmondson, Ellis, Edwards, Exum, Fluker, Heard, Harris, Jones, Lewis, m'Clung, moore of mad. moore of Jack. m'Vay of mad. m'Vay of Law. massey, Neill, Pickens, Powell, Raney, Smith of Hen. Smith of Lau. Smith of mad. Terry, Weissenger, Walthall, Whitfield—45.

Those who voted in the negative are—Mr. Johnson—1.

A message from the Senate by Mr. Lyon their secretary.

*Mr. Speaker*—The Senate have passed a bill which originated in the House of Representatives, entitled an act to raise a revenue for the support of government till otherwise altered by law, and have amended the same in the manner herewith shewn: in which they desire your concurrence: also, an act to authorize the school commissioners of the 17th township, in range thirteen, to lease the sixteenth section in said township, and have amended the same by adding thereto two additional sections: in which they desire your concurrence. They concur in the amendment made by your honorable body to the resolution authorizing the money of the university now in the treasury to be vested in state stock; also the amendments made by the House of Representatives to the resolution instructing our Senators and Representatives in Congress on the subject of authorizing the sale of sections numbered sixteen, reserved for the use of schools in this state. They also concur in the resolution of your honorable body appointing a committee on your part, to act with such such committee as may be appointed on the part of the Senate, to wait on the Governor, and inform him that the two houses of the General Assembly will be ready to adjourn, sine die, on to-morrow, if he has no further communication to make, and have appointed on their part messrs. Sullivan, Gaines and Jackson. And then he withdrew.

*Ordered*, that this House concur in the amendments made by the Senate to the engrossed bill to be entitled an act to raise a revenue for the support of government until otherwise altered by law, in adding a proviso to the end of the first section of the bill: in striking out the tax of 'one dollar' on saddle horses in the third section of the bill, and inserting in lieu thereof 'fifty cents:': in striking out the words 'for every race horse ten dollars,' and adding the word 'racing' after the word 'for' at the end of the second line from the top of the second page of the bill, so as to impose a tax of 'fifty cents' for every horse kept exclusively for racing, the saddle, or pleasure carriage,' &c.

*Ordered*, that the House concur in the amendment made by the Senate, by striking out '50 cents,' the tax on silver and other watches, and inserting '25 cents'—Yeas 37, nays 16.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Craig	Coe	Edmondson	m'Vay of Laud.	Smith of Laud.
Ambuster	Coopwood		Ellis	mead	Sims
Benson	Davis of Fr.		Edwards	massey	Terry
Brown	Davis of Jack.		Exum	Pickens	Williams
Broadnax	Dale		Greening	Powell	Weissinger
Bell	Dupuy		Johnson	Ross	Raney
Barclay	Duke		Lewis	Smith of Hen.	Walthall
					Whitfield-37

Those who voted in the negative are

Mr. Acklen	Crenshaw	Harris	m'Clung	m'Vay of Law.
Chafford	Dennis	Fluker	moore of mad.	Perkins
Crusher	Heard	Lawler	moore of Jac.	Smith of ma. 15

*Ordered*, that the House concur in the amendment made by the Senate to the bill by striking out '65 cents,' the tax on negroes over ten and under sixty years old, and insert '50 1/4 cents'—Yeas 35, nays 19.

The yeas and nays being desired—those who voted in the affirmative are

Mr. Speaker	Coe	Edmondson	Lewis	Smith of Hen.
Ambuster	Coopwood	Edwards	m'Vay of Laud.	Smith of Laud.
Benson	Davis of Fr.	Exum	m'Vay of Law.	Sims
Brown	Davis of Jack.	Fluker	massey	Terry
Broadnax	Dale	Greening	Pickens	Weissinger
Bell	Dupuy	Heard	Powell	Walthall
Craig	Duke	Johnson	Raney	Whitfield-35

Those who voted in the negative are

Mr. Acklen	Crenshaw	Jones	moore of Ja.	Ross
Chafford	Dennis	Lawler	mead	Smith of mad.
Crusher	Ellis	m'Clung	Neill	Williams-19
Benson	Harris	moore of mad.	Perkins	

*Resolved*, that the House concur in the amendments made by the Senate to the bill, to wit: by striking out '20 cents,' the tax on slaves under ten years of age, and inserting in lieu '15 cents;' by striking out 'one dollar,' the tax on every hundred dollars value of pleasure carriages, and inserting 'one dollar and fifty cents;' by striking out 'twelve months,' the time within which a mortgage on real estate is sold for the taxes may redeem the same, and inserting 'two years;' and by striking out the 14th section of the bill. *Ordered*, that the clerk acquaint the Senate therewith.

*Resolved*, that the House concur in the amendments made by the Senate to the bill entitled an act to authorize the school commissioners of the seventeenth township, of range thirteen, to lease the sixteenth section in said township, by adding thereto a proviso at the end of the fifth section, and by adding thereto an additional sixth section. *Ordered*, that the clerk acquaint the Senate therewith.

And then the House adjourned till seven o'clock to-night.

*Night Session.*

The House met pursuant to adjournment at seven o'clock.

Mr. Moore of Mad. moved to take up a bill to be entitled an act to authorize Benjamin S. Pope to convey a certain lot therein mentioned which was carried. It was then read a second time, and the rule requiring it to be read on three several days being dispensed with, the bill was then taken as engrossed, and read a third time; and the question being put, shall this bill pass? it was determined in the negative—Yeas 16, nays 28.

The yeas and nays being desired, those who voted in the affirmative are



mr Broadnax	Dale	Ellis	Johnson	m'Vay of Lau.	Parham
Crenshaw	Heard		Jones	m'Vay of Law.	Ross
Davis of Fr.	Harris		moore of mad.	Ferkins	Smith of ma. 16
Those who voted in the negative are					
mr. Speaker	Craig		Duke	Neill	Williams
Acklen	Coe		Fluker	Pickens	Weissenger
Ambrister	Coopwood		Greening	Raney	Walthall
Brown	Davis of Jack.		Lawler	Smith of Hen.	Whitfield-28
Bradford	Dennis		m'Clung	Sims	
Brasher	Dupuy		moore of Jack.	Terry	

A message from the Senate by Mr. Lyon their secretary.

*Mr. Speaker*—The Senate have passed a bill which originated in the House of Representatives, entitled an act to establish certain election precincts therein named, and have amended the same by adding thereto two additional sections; in which they desire your concurrence: also, an act for the relief of Daniel Coleman of Washington; also, resolution for the preservation of the public arms of this state; also, an act to authorize Martha Brandon, administratrix of Josiah K. Brandon, deceased, to sell and convey certain town lots in Tuscaloosa. They have also passed, a memorial to the Congress of the United States on the subject of a donation to the trustees of the La Fayette academy in the village of La Grange, which originated in the House of Representatives.

*Ordered*, that the House concur in the amendment made by the Senate to the bill entitled an act to establish certain election precincts therein named, by adding thereto two additional sections. *Ordered*, that the clerk acquaint the Senate therewith.

Mr. Acklen moved that the House take from the table a bill to be entitled an act altering the punishment of forgery and counterfeiting; which was lost.

Mr. Moore of Jack. moved to take up from the table a bill to be entitled an act to incorporate the city of Tuscaloosa, and to repeal an act incorporating the town of Tuscaloosa, passed 13th of December, 1819; which was lost.

Mr. Acklen *again* moved to take from the table a bill to be entitled an act altering the punishment of forgery and counterfeiting; which was carried—and placed among the orders of the day.

Mr. Lawler obtained leave to introduce a bill to be entitled an act to compel plaintiffs to give security for costs in certain cases; which was read a first time; and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and the bill was then taken for engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr. Perkins obtained leave to introduce a bill to be entitled an act to exempt the officers of the state bank from certain public duties; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a 2d time forthwith.

And then the House adjourned until 7 o'clock to-morrow morning.

*Saturday, January 13th, 1827.*

The House met pursuant to adjournment at 7 o'clock.

Mr. Moore of Jack. from the committee on enrolled bills, reported, that said committee have examined, and found to be correctly enrolled.

bills which originated in the Senate, of the following titles, to wit: an act to incorporate the Mobile marine, railway and insurance company; an act to authorize Abraham Smith and his associates to erect a mill on Coosa river; an act to authorize the intendant and town council of the town of Montgomery to hold their meetings in the court house of Montgomery county; an act supplementary to the several acts heretofore passed, granting to Abraham Stout and his associates the privilege of opening a turnpike road, commencing at or near John Gandy's in Morgan county, to intersect the old Huntsville road at or near Elyton in Jefferson county; an act to authorize the administrator of Samuel Greenlee to transfer the certificates to the lands herein after mentioned; resolutions instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure an equal extension of the national judiciary system to the western and south-western states of the union. Also, bills which originated in this House of the following titles, to wit: an act further to relieve insolvent debtors, and the better to secure the rights of creditors; an act to authorize the administrator and administratrix of George Hardwick to sell a certificate for one quarter section of land; and, an act more effectually to protect sheriffs, coroners and constables in the discharge of their duties.

A bill to be entitled an act to exempt the officers of the State Bank from certain public duties, was read a second time. Mr. Ross moved to amend the same by striking out of the bill that which relates to exempting the president and officers, so that the exemption shall extend to the directors only; which was carried. The rule requiring bills to be read on three several days being suspended, four-fifths of the members present voting in the affirmative, the bill was taken as engrossed, read a third time forthwith and passed. Ordered, that the title thereof be an act to exempt the directors of the state bank from certain public duties. Ordered, that the same be sent to the Senate for their concurrence.

And then the House adjourned for one hour.

*Morning Session, 9 o'clock.*

The House met pursuant to adjournment.

A message from the Senate by Mr. Lyon their secretary.

*Mr. Speaker*—The Senate have passed a bill which originated in the House of Representatives, entitled an act to secure additional lots for the erection of the state capitol, and make compensation for the site thereof, and have amended the same as herewith shewn: in which they desire your concurrence: also, an act making appropriations for certain claims against the state, and have amended the same as herewith reported; in which they desire your concurrence. They disagree to the last amendment made by your honorable body to a bill entitled an act to improve the navigation of Flint river, by striking out the words 'at all times,' and inserting 'during the ordinary stages of water,' and concur in all the other amendments to said bill. And then he withdrew.

*Ordered*, that the House concur in the amendment made by the Senate to the bill to be entitled an act making appropriations for certain claims against the state, by striking out of the 25th line in the first page the word 'six,' and inserting in lieu thereof the word 'five.'

Mr. Weissenger moved that the House disagree to the amendment made by the Senate, by striking out in the 26th line all after the word

'seventy cents,' which relates to an allowance to G. C. King, of Perry county; which was carried.

Ordered, that the House concur in the amendment made by the Senate in striking out the appropriation made to Joseph Eastland for prosecuting a negro man named Juber for petit larceny.

Mr. M'Vay of Land. moved that the House disagree to the amendment made by the Senate in striking out the appropriation of forty dollars made to David Hubbard for certain services; which was lost; and the said amendment was concurred in.

Ordered, that the House disagree in the amendments made by striking out the sixth, seventh, sixteenth and seventeenth sections of the bill.

Ordered, that the House concur in the amendment made by the Senate to the bill by adding an additional section.

A message from the Governor by J. I. Thornton, secretary of state.

*Mr. Speaker*—The Governor did on the 12th inst. approve and sign the following bills: an act to require additional services to be performed by the judge of the first judicial circuit in this state; an act to amend an act, entitled an act for the more effectual preservation of personal liberty; an act to repeal in part an act entitled an act to appoint commissioners to lay out two roads leading from the ford on Pine creek, the one to Coffeeville, the other to Tuscaloosa, passed Dec. 31st, 1822; an act to repeal an act, incorporating the town of Rodney in Washington county; an act amendatory of the laws now in force on the subject of bail in civil cases; an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Shelby to alter a certain road therein named; an act providing for the compensation of B. B. Breeden; an act amendatory to an act, entitled an act to class and fix the price of the university lands, passed January 13th, 1826; an act organizing the 12th regiment of militia in St. Clair county; an act for the relief of Grantland Robinson; an act to incorporate the Rocky Mount academy in Autauga county; an act to incorporate the town of Pikeville; an act to make compensation to the commissioners to close the unsettled accounts between this state and Mississippi, and for other purposes; an act amendatory to an act, passed on the 4th of January, 1826, entitled an act to authorize William H. Ragsdale and his associates to turnpike a road therein specified; an act to reduce into one the several acts concerning roads, bridges, ferries and highways; an act to exempt the members of the hook and ladder company in the city of Mobile from militia and patrol duty, and for other purposes; an act supplementary to the several acts now in force, first passed 21st December, 1822, and the second the 24th of December, 1824; an act to pay officers for taking prisoners from one county to another in this state; an act to authorize Edward Calvert to sell and convey a certain land certificate; an act to establish a road from Montevalle to Greensborough; an act to authorize a levy of a county tax for the county of Covington; an act to define the boundary line between Shelby and Autauga counties; an act to revive a certain act herein named; and, resolution to remove the injunction of secrecy imposed on the joint committee appointed to examine the state bank: all of which originated in this House.—And then he withdrew.

Ordered, that the House recede from the amendment heretofore made by them to the engrossed bill from the Senate, entitled an act to improve

the navigation of Flint river in Madison county. Ordered, that the clerk acquaint the Senate therewith.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act to secure additional lots for the erection of the state capitol, and provide compensation for the site thereof, by adding a proviso at the end of the first section. Also by striking out all after the word 'for,' in the fourth line of the second section to the word 'capitol,' in the second section, ninth line, inclusive, and inserting in lieu thereof, 'lots No. 143 and 146, or lots No. 128 and 129, as known in the plan of said town, if the same can be obtained at a price not exceeding one thousand dollars for lots No. 143 and 146, or one thousand dollars for lots No. 128 and 129.' Ordered, that the clerk acquaint the Senate therewith.

Mr. Ross, from the select committee appointed on the part of this House, to act with such committee as might be appointed on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two houses of the General Assembly would be ready to adjourn to-day, reported, that they have performed that duty, and that they received for answer from his Excellency that he had no further communication to make.

Mr. Ross, from the committee on accounts, to whom was referred the account of Ebenezer Johnson, late coroner of Mobile county, claiming compensation for holding inquests over several bodies therein charged for, reported, that they are not aware of any law by which said claim is properly chargeable upon the state treasury; and asked leave to be discharged from the further consideration thereof. Ordered, that the House concur in said report, and that the committee be so discharged.

Mr. Perkins, from the select committee to whom was referred the resolution providing for the safe keeping of the furniture belonging to the state in the state house, reported the same with an additional section as an amendment; which was adopted. The rule requiring bills to be read on three several days being suspended, the resolution was considered as engrossed, and read a third time as amended, and passed.—Ordered, that the title thereof be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr. Moore of Jack. from the committee on enrolled bills, reported, that said committee have examined, and found to be correctly enrolled, bills and resolutions which originated in this House of the following titles, viz: a resolution for the preservation of the public arms of this state; an act for the relief of Daniel Coleman of Washington; an act to authorize Martha Brandon, administratrix of Josiah K. Brandon, deceased, to sell and convey certain town lots in Tuscaloosa; an act to vest in the county court of Covington county the powers heretofore exercised by the commissioners of said county, and for other purposes; an act to prohibit the importation of slaves into this state for sale or hire; an act concerning the sixteenth section herein mentioned; memorial to the Congress of the United States on the subject of a donation to the trustees of La Fayette academy in the village of La Grange; an act to authorize the school commissioners of the seventeenth township of range thirteen to lease the sixteenth section in said township; an act to raise a revenue for the support of government until otherwise altered by law. And then the House adjourned for one hour.



The House met pursuant to adjournment.

A message from the Senate by Mr. Lyon their secretary.

*Mr. Speaker*—The Senate adhere to their amendments to the bill entitled an act making appropriations for certain claims against the state, by striking out the 6th, 7th, 16th and 17th sections, and by striking out the allowance to G. C. King in the 26th line of the bill. And then he withdrew.

A message from the Senate by Mr. Crabb, their assistant secretary.

*Mr. Speaker*—The Senate have read and passed a report and resolutions which originated in your honorable body in relation to the unsettled accounts between the states of Alabama and Mississippi, and have amended the same by substituting a bill to be entitled an act to authorize the Governor to liquidate and settle the accounts between this state and the state of Mississippi, in lieu thereof. And then he withdrew.

*Ordered*, that the House concur in the amendment made by the Senate to said resolution, and that said substituted bill be adopted. *Ordered*, that the clerk acquaint the Senate therewith.

*Ordered*, that the House recede from their disagreement to the amendments made by the Senate to the bill entitled an act making appropriations for certain claims against the state. *Ordered*, that the clerk acquaint the Senate therewith.

*Ordered*, that the House adjourn for half an hour.

The House met pursuant to adjournment.

A message from the Senate by Mr. Crabb.

*Mr. Speaker*—The Senate have read and passed, a joint resolution of your honorable body, to provide for the safe keeping of the furniture belonging to the state in the state house, and have amended the same in the manner herewith shewn. And then he withdrew.

*Ordered*, that the House concur in the amendment made to said resolution, by adding at the end of the first section a proviso.

And then the House adjourned for one hour.

The House met pursuant to adjournment.

A message from the Governor by James I. Thornton, Secretary of State.

*Mr. Speaker*—The Governor did on the 12th inst. approve and sign, an act to alter the times of holding the county courts of the counties of Tuscaloosa, Lawrence and Limestone; a memorial to the Congress of the United States, asking permission for the trustees of the university of Alabama, to select other lands in lieu of those herein described: and on this day, 13th January, an act to prohibit the importation of slaves into this state for sale or hire; an act to vest in the county court of Covington county the powers heretofore exercised by the commissioners of said county, and for other purposes; an act to authorize Martha Brandon, administratrix of Josiah K. Brandon, deceased to sell and convey certain town lots in Tuscaloosa; an act for the relief of Daniel Coleman of Washington; an act to authorize the school commissioners of the 17th township of range 13 to lease the sixteenth section in said township; an act to raise a revenue for the support of Government until otherwise altered by law; an act concerning the sixteenth section herein mentioned; an act to authorize the administrator and administratrix of George Hardwick to sell a certificate for one quarter section of land; an act more effectually to protect sheriffs, coroners and constables in the discharge of their duties; an act further to relieve insolvent debtors and the better to secure the rights of creditors; resolution for the preservation of the public arms of this state; and, a memorial to the Congress of the United States, on the subject of a donation to the trustees of Lafayette acad-

emy in the village of La Grange : all of which originated in this House, then he withdrew.

Mr. Moore of Jack. from the committee on enrolled bills, reported, he had examined, and found correctly enrolled, bills of the following titles : an act to establish certain election precincts therein named ; an act to give security for costs in certain cases ; an act to exempt the directors of the state bank from certain public duties ; a bill which originated in the Senate entitled "An act to incorporate the Muscle Shoals canal company ; an act authorizing the Governor to liquidate and settle the accounts between this state and the state of Mississippi ; resolutions instructing our Senators and Representatives in Congress on the subject of authorizing the sale of the sections numbered sixteen reserved for the use of schools in this state ; an act to emancipate certain slaves therein named ; resolution authorizing the money of the university now in the treasury to be vested in state stock, and for other purposes ; an act making appropriations for certain claims against the state.

On motion of Mr. McVay of Laud. Resolved, that the Senate be informed that the House of Representatives have finished the business before them, and are now ready to adjourn *sine die*. Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Lyon their secretary.

Mr. Speaker—The Senate having completed the business before them, are now about to adjourn *sine die*.

A message from the Governor by James I. Thornton secretary of state.

Mr. Speaker—The Governor did this day approve and sign an act to compel plaintiffs to give security for costs in certain cases ; an act to exempt the directors of the state bank from certain public duties ; an act authorizing the Governor to liquidate and settle the accounts between this state, and the state of Mississippi ; an act to amend an act concerning the town of Tuscumbia ; an act to establish certain election precincts therein named ; an act to secure additional lots for the erection of the state capitol and provide compensation for the site thereof ; joint resolution to provide for the safe keeping of the furniture belonging to the state, in the state house ; an act making appropriations for certain claims against the state : all of which originated in this House. And then he withdrew.

Mr. Raney, offered the following resolution : *Resolved*, unanimously, that the thanks of this House be presented to the Hon. Samuel W. Oliver for the able, impartial and dignified manner in which he has presided over its deliberations, and performed the arduous and important duties of the chair during the present session of this Legislature : which was unanimously adopted.

Mr. Speaker then rose and made the following reply :

"Gentlemen—The approbation you have expressed of the manner in which I have discharged my duty as Speaker of the House, is I assure you highly gratifying to my feelings. The station to which you called me was one alike honorable and arduous ; it was one which required great promptness and decision, and inexperienced as I was, I could not have fully discharged the duties of the trust assigned me, but for the able and generous support which I have at all times received from the House ; my great solicitude has been to discharge my duty acceptably to the members of the House ; In that I flatter myself, I have in some degree succeeded.

I know that the duties which devolved on me might have been performed with greater ability ! yet in justice to myself, I must say they could not have been discharged with greater fidelity or impartiality.

We, gentlemen, are now about to separate ; and from the great uncertainty of all things, we may never meet again, but whatever destinies may await you, you will always carry with you my sincere wishes for your individual prosperity and

necess. Hoping we may all return in safety to our families, I tender you a friendly farewell."

Mr. M'Vay of Laud. then moved that the House adjourn *sine die*; which was carried.

Mr. Speaker then pronounced the House to be adjourned *sine die*.

SAMUEL W. OLIVER,

*Speaker of the House of Representatives.*

ATTEST.

T. B. TUNSTALL,

*Clerk of the House of Representatives.*